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United States - Treaties



COMPILATION

OF

TREATIES IN FORCE.

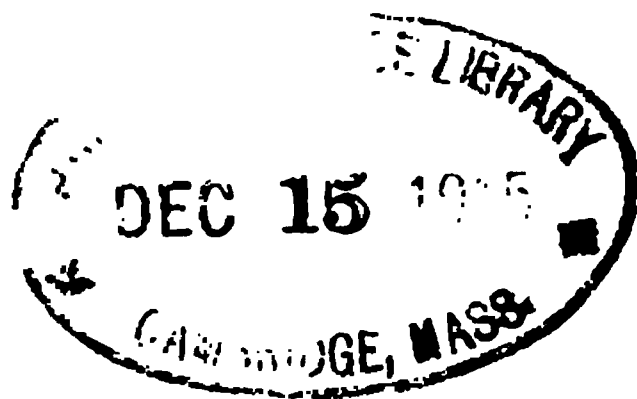
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PREPARED UNDER ACT OF JULY 7, 1898.

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WASHINGTON:  
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1899.

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Horace C. Ware

Boston

## PREFACE.

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This compilation of treaties in force has been prepared to be of general service in showing what the obligations of the United States are at the present time with the foreign nations of the world. In the twelve years that the compiler had charge of the editing, indexing, and printing of the United States Statutes at Large, in which the treaties and conventions also appeared as they were proclaimed, he realized that it would be of practical utility to have a volume of the treaty engagements now existing, from which should be omitted the text of those that for various reasons were no longer in operation. The plan of such a collection was submitted to Secretary of State Olney, and met with his approval. After the draft of the arrangement had been prepared it was brought to the attention of the Committee on Foreign Relations of the Senate, and a Joint Resolution was reported authorizing the preparation of such a compilation under the direction of the Committee. The resolution passed both Houses near the close of the first session of the Fifty-fifth Congress, and though it was enrolled there was not time to secure the signature of the Speaker before the gavel announced the adjournment of the session. At the next session, upon the recommendation of the Committee on Foreign Relations of the Senate, the following item was incorporated in the deficiency appropriation bill, approved July 7, 1898:

That a competent person be employed under the direction of the Committee on Foreign Relations, at a compensation in full not exceeding one thousand five hundred dollars, which is hereby appropriated, to make a compilation of all the treaties now in force between the United States and any foreign Government. Said compilation shall contain the full text of the treaties now in force, together with a citation of any decision which may have been made in regard to said treaties by the Supreme Court of the United States or any court of Federal jurisdiction. The said work shall also contain a list, in chronological order, of all the treaties at any time made by the United States with other foreign countries, with a reference to the page and volume where the text of the same may be found; the whole to be carefully indexed by countries and by subject-matters. There shall be printed one thousand five hundred copies of said volume, one thousand for the use of the House of Representatives and five hundred for the use of the Senate.

More than fifty treaties have come into effect since the publication of the document which was submitted to the Senate in response to its resolution of January 5, 1885, and which had been carefully collated by Mr. John H. Haswell, for many years the efficient chief of the

Bureau of Indexes and Archives of the Department of State, and which contained the full text of all the treaties and conventions that had been proclaimed up to January, 1889.

The present compilation contains, in a form adapted for convenient reference, the treaties, conventions, international acts, and other diplomatic agreements with foreign nations to which the United States is a party, that are in force at the time of going to press. Treaties that have expired by limitations contained in the text of the instrument, those that have been executed in pursuance of their provisions, those that have been abrogated or annulled by the contracting parties, and others that have ceased to be operative from various causes, have been omitted. There have been inserted however, a number of protocols, notes of exchange of ratifications, Senate resolutions advising and consenting to the ratifications, and other papers which, while not strictly of the character of treaties, seem to be necessary to explain the construction of their provisions in particular cases, or indicate their fulfillment. Before each engagement there is an historical statement of the action taken to effect its completion, and a succinct summary of the provisions embraced therein, arranged by the several articles. This latter is intended to supersede the marginal notes given in the former collections, and from it at a glance may be obtained the location of the various matters contained in the text.

The treaties that have become obsolete appear in chronological order of their conclusion, under the different countries, with a brief note of their effect, the dates of the various stages of action upon them up to the proclamation, a statement of the causes of their termination, the results of the various claims commissions, and where certain articles are revived by subsequent agreements their text is reprinted, with a synopsis of those that are omitted. The chronological list which it is directed shall be prepared has been arranged in the order of the negotiation of the different agreements, and, in order to indicate the time of their taking effect, the date of the President's proclamation is also given. For historical reference there is given also a table of the terms of office of the various Presidents and of the Secretaries of State.

In the preparation of this document the compiler acknowledges the kind assistance of the officials of the Department of State, and especially of Mr. Frederick Van Dyne, the assistant to the Solicitor of the State Department, who prepared the references to the Federal cases bearing on the treaties. Recourse has been had to the History and Digest of International Arbitrations of which the United States has been a Party, by Hon. John Bassett Moore, for the statements in reference to the results of the claims commissions and agreements. The compiler is also indebted for valuable assistance and suggestions in the arrangement of the volume to the force of the Government Printing Office.

HENRY L. BRYAN.

*Washington City, April 11, 1899.*

## LIST OF PRESIDENTS.

Presidents.	Administration	
	Began	Ended
George Washington.. . . .	March 4, 1789.....	March 4, 1797.
John Adams . . . . .	March 4, 1797. . . .	March 4, 1801.
Thomas Jefferson . . . . .	March 4, 1801.....	March 4, 1809.
James Madison. . . . .	March 4, 1809... .	March 4, 1817.
James Monroe . . . . .	March 4, 1817... .	March 4, 1825.
John Quincy Adams.. . . .	March 4, 1825.....	March 4, 1829.
Andrew Jackson . . . . .	March 4, 1829.....	March 4, 1837.
Martin Van Buren.....	March 4, 1837.....	March 4, 1841.
William Henry Harrison . . . . .	March 4, 1841... .	April 4, 1841.
John Tyler . . . . .	April 4, 1841.....	March 4, 1845.
James K. Polk . . . . .	March 4, 1845.....	March 4, 1849.
Zachary Taylor . . . . .	March 4, 1849.....	July 9, 1850.
Millard Fillmore . . . . .	July 9, 1850.....	March 4, 1858.
Franklin Pierce . . . . .	March 4, 1853.....	March 4, 1857.
James Buchanan . . . . .	March 4, 1857.....	March 4, 1861.
Abraham Lincoln . . . . .	March 4, 1861.....	April 15, 1865.
Andrew Johnson . . . . .	April 15, 1865.....	March 4, 1869.
Ulysses S. Grant . . . . .	March 4, 1869.....	March 4, 1877.
Rutherford B. Hayes.....	March 4, 1877.....	March 4, 1881.
James A. Garfield.....	March 4, 1881.....	September 19, 1881.
Chester A. Arthur.....	September 19, 1881... .	March 4, 1885.
Grover Cleveland . . . . .	March 4, 1885.....	March 4, 1889.
Benjamin Harrison . . . . .	March 4, 1889.....	March 4, 1893.
Grover Cleveland . . . . .	March 4, 1893.....	March 4, 1897.
William McKinley . . . . .	March 4, 1897.....	



## SECRETARIES OF STATE.

In the "Notes upon the foreign treaties of the United States," prepared by Hon. J. C. Bancroft Davis, and republished in the volume of Treaties and Conventions concluded between the United States and other Powers, Senate Executive Document No. 47, Forty-eighth Congress, second session, is given, in concise form, the history of the conduct of the foreign affairs of the United States up to the time of the establishment of the Department of State. From these notes the following statement has been gathered:

On the 29th of November, 1775, Congress appointed a "Committee of Secret Correspondence," whose duty it would be to correspond with the friends of the colonies in other parts of the world. From the date of the appointment of this committee until the autumn of 1781, the management of the foreign affairs of the country was in the hands of committees of Congress. Robert R. Livingston, of New York, was then appointed "their Secretary of Foreign Affairs," and took the oath of office on the 20th of October, 1781. Livingston resigned in June, 1783, and Elias Boudinot, the President of Congress, acted officially as Secretary in the interim.

General Thomas Mifflin was chosen President of Congress on the 3d of November, 1783, at the beginning of a new Congress, and as such succeeded to Boudinot as ad interim Secretary. John Jay was elected Secretary May 24, 1784, but did not qualify until December 21, 1784, and he remained the Secretary of Foreign Affairs until the adoption of the Federal Constitution. On September 15, 1789, the President approved "An act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes," in the first section of which it was provided "that the Executive Department denominated the Department of Foreign Affairs shall hereafter be denominated the Department of State, and the principal officer therein shall be called the Secretary of State." Jefferson was appointed Secretary of State September 26, 1789, but did not enter upon the duties of his office until March 21, 1790. Jay, notwithstanding he had been selected to be Chief Justice, continued to fill the office of Secretary until Jefferson entered upon its duties, although never commissioned as such under the new government.

The following list contains the names of the different Secretaries, the Presidents by whom appointed, and the dates of their respective commissions:

Secretaries of State.	Presidents.	Commissioned.
Thomas Jefferson, of Virginia .....	George Washington .....	September 26, 1789.
Edmund Randolph, of Virginia .....	do .....	January 2, 1794.
Timothy Pickering, of Pennsylvania (Secretary of War).	do .....	} December 10, 1795.
John Marshall, of Virginia .....	John Adams .....	
Levi Lincoln, of Massachusetts (Attorney-General), ad interim.	do .....	May 13, 1800.
James Madison, of Virginia .....	do .....	March 5, 1801.
Robert Smith, of Maryland .....	Thomas Jefferson .....	March 5, 1801.
James Monroe, of Virginia .....	James Madison .....	March 6, 1800.
Richard Rush, of Pennsylvania (Attorney-General), ad interim.	do .....	April 2, 1811.
John Quincy Adams, of Massachusetts .....	James Monroe .....	March 10, 1817.
Henry Clay, of Kentucky .....	do .....	March 5, 1817.
James A. Hamilton, of New York, ad interim.	John Quincy Adams .....	March 7, 1825.
Martin Van Buren, of New York .....	do .....	March 4, 1829.
Edward Livingston, of Louisiana .....	Andrew Jackson .....	March 6, 1829.
Louis McLane, of Delaware .....	do .....	May 24, 1831.
John Forsyth, of Georgia .....	do .....	May 29, 1833.
J. L. Martin, of North Carolina (chief clerk), ad interim.	do .....	} June 27, 1834.
Daniel Webster, of Massachusetts .....	Martin Van Buren .....	
Hugh S. Legaré, of South Carolina (Attorney-General), ad interim.	do .....	March 3, 1841.
William S. Derrick, of Pennsylvania (chief clerk), ad interim.	William H. Harrison .....	} March 5, 1841.
Abel P. Upshur, of Virginia (Secretary of the Navy).	John Tyler .....	
John Nelson, of Maryland (Attorney-General), ad interim.	do .....	May 9, 1843.
John C. Calhoun, of South Carolina .....	do .....	June 21, 1843.
James Buchanan, of Pennsylvania .....	do .....	June 24, 1843.
John M. Clayton, of Delaware .....	do .....	February 29, 1844.
Daniel Webster, of Massachusetts .....	do .....	March 6, 1844.
Charles M. Conrad, of Louisiana (Secretary of War), ad interim.	James K. Polk .....	March 6, 1845.
Edward Everett, of Massachusetts .....	Zachary Taylor .....	} March 7, 1849.
William Hunter, of Rhode Island (chief clerk), ad interim.	Millard Fillmore .....	
William L. Marcy, of New York .....	do .....	July 22, 1850.
Lewis Cass, of Michigan .....	do .....	September 2, 1852.
William Hunter, of Rhode Island (chief clerk), ad interim.	do .....	November 6, 1852.
Jeremiah S. Black, of Pennsylvania .....	do .....	March 3, 1853.
William H. Seward, of New York .....	Franklin Pierce .....	March 7, 1853.
Elihu B. Washburne, of Illinois .....	James Buchanan .....	March 6, 1857.
Hamilton Fish, of New York .....	do .....	December 13, 1860.
William M. Evarts, of New York .....	do .....	December 17, 1860.
	Abraham Lincoln .....	} March 5, 1861.
	Andrew Johnson .....	
	Ulysses S. Grant .....	March 5, 1869.
	do .....	March 11, 1869.
	Rutherford B. Hayes .....	March 12, 1877.





# **X      CHRONOLOGICAL LIST OF TREATIES, CONVENTIONS, ETC.**

Country.	Subject.	Signed.	Proclaimed.
Tunis .....	Amending Treaty of August, 1797.	February 24, 1824 ..	January 21, 1825.
Russia .....	Pacific Ocean and Northwest Coast of America.	April 17, 1824 .....	January 12, 1825.
Colombia .....	Amity, Commerce, and Navigation	October 3, 1824 .....	May 31, 1825.
Central America ..	Peace, Amity, Commerce, and Navigation.	December 5, 1825 ..	October 28, 1826.
Denmark .....	Friendship, Commerce, and Navigation.	April 26, 1826 .....	October 14, 1826.
Great Britain .....	Relative to the Indemnity for Slaves.	November 13, 1826 ..	March 19, 1827.
Sweden and Norway.	Commerce and Navigation .....	July 4, 1827 .....	January 19, 1828
Great Britain .....	Continuing in Force Article III, Treaty of 1818.	August 6, 1827 .....	May 15, 1828.
Great Britain .....	Commercial .....	August 6, 1827 .....	May 15, 1828.
Great Britain .....	Relative to the Northeastern Boundary.	September 29, 1827 ..	May 15, 1828.
Hanseatic Republics.	Friendship, Commerce, and Navigation.	December 20, 1827 ..	June 2, 1828.
Mexico .....	Limits .....	January 12, 1828 .....	April 5, 1832.
Prussia .....	Commerce and Navigation .....	May 1, 1828 .....	March 14, 1829.
Hanseatic Republics.	Additional Article to Convention of 1827.	June 4, 1828 .....	July 29, 1829.
Brazil .....	Amity, Commerce, and Navigation	December 12, 1828 ..	March 18, 1829.
Austria-Hungary ..	Commerce and Navigation .....	August 27, 1829 .....	February 10, 1831.
Denmark .....	Claims .....	March 28, 1830 .....	June 5, 1830.
Ottoman Empire ..	Commerce and Navigation .....	May 7, 1830 .....	February 4, 1832
Mexico .....	Limits .....	April 5, 1831 .....	April 5, 1832.
Mexico .....	Amity, Commerce, and Navigation	April 5, 1831 .....	April 5, 1832.
France .....	Claims and Duties on Wines and Cotton.	July 4, 1831 .....	July 13, 1832.
Chile .....	Peace, Amity, Commerce, and Navigation.	May 16, 1832 .....	April 29, 1834.
Two Sicilies .....	Claims .....	October 14, 1832 .....	August 27, 1833.
Russia .....	Commerce and Navigation .....	December 18, 1832 ..	May 11, 1833.
Siam .....	Amity and Commerce .....	March 20, 1833 .....	June 24, 1837.
Chile .....	Additional to the General Treaty of 1832.	September 1, 1833 ..	April 29, 1834.
Muscat .....	Amity and Commerce .....	September 21, 1833 ..	June 24, 1837.
Spain .....	Claims .....	February 17, 1834 ..	November 1, 1834.
Mexico .....	Limits .....	April 3, 1835 .....	April 21, 1836.
Venezuela .....	Peace, Amity, Commerce, and Navigation.	January 20, 1836 .....	June 30, 1836.
Morocco .....	Peace and Friendship .....	September 16, 1836 ..	January 30, 1837.
Peru-Bolivia .....	Peace, Friendship, Commerce, and Navigation.	November 30, 1836 ..	October 3, 1838.
Greece .....	Commerce and Navigation .....	December 10, 1837 ..	August 30, 1838.
Texas .....	Claims .....	April 11, 1838 .....	July 6, 1838.
Texas .....	Boundary .....	April 25, 1838 .....	October 13, 1838.
Sardinia .....	Commerce and Navigation .....	November 26, 1838 ..	March 18, 1839.
Netherlands .....	Commerce and Navigation .....	January 19, 1839 .....	May 24, 1839.
Mexico .....	Claims .....	April 11, 1839 .....	April 8, 1840.
Ecuador .....	Peace, Friendship, Navigation, and Commerce.	June 13, 1839 .....	September 23, 1842.
Hanover .....	Commerce and Navigation .....	May 20, 1840 .....	January 2, 1841.
Portugal .....	Commerce and Navigation .....	August 26, 1840 .....	April 24, 1841.
Peru .....	Claims .....	March 17, 1841 .....	January 8, 1847.
Great Britain .....	Boundaries, Suppression of Slave Trade, and Extradition.	August 9, 1842 .....	November 10, 1842.
Mexico .....	Claims .....	January 30, 1843 .....	March 30, 1843.
France .....	Extradition .....	November 9, 1843 ..	April 14, 1844.
Hesse .....	Abolishing Droit d'Aubaine and Taxes on Emigration.	March 26, 1844 .....	May 8, 1845.



# CHRONOLOGICAL LIST OF TREATIES, CONVENTIONS, ETC. XI

Country.	Subject.	Signed.	Proclaimed.
Württemberg	Abolishing Droit d'Aubaine and Taxes on Emigration.	April 10, 1844.	December 16, 1844.
China	Peace, Amity, and Commerce.	July 3, 1844.	April 18, 1846.
Bavaria	Abolishing Droit d'Aubaine and Taxes on Emigration.	January 21, 1845.	August 15, 1846.
France	Extradition, additional article	February 24, 1845.	July 24, 1845.
Belgium	Commerce and Navigation	November 10, 1845.	March 31, 1846.
Saxony	Abolishing Droit d'Aubaine and Emigration Taxes.	May 14, 1845.	September 9, 1846.
Nassau	Abolishing Droit d'Aubaine and Emigration Taxes.	May 27, 1845.	January 26, 1847.
Hanover	Commerce and Navigation	June 10, 1846.	April 24, 1847.
Great Britain	Establishing Boundary West of the Rocky Mountains.	June 15, 1846.	August 5, 1846.
Two Sicilies	Commerce and Navigation	December 1, 1845.	July 24, 1846.
Colombia (New Granada).	Peace, Amity, Navigation, and Commerce.	December 12, 1846.	June 12, 1848.
Switzerland	Property Rights	May 18, 1847.	May 4, 1848.
Mecklenburg-Schwerin.	Commerce and Navigation	December 9, 1847.	August 2, 1848.
Mexico	Peace, Friendship, Limits, and Settlement.	February 2, 1848.	July 4, 1848.
Austria-Hungary	Relative to the Disposal of Property and Consular Jurisdiction.	May 8, 1848.	February 25, 1850.
Brazil	Satisfaction of Claims of Citizens of the United States on Brazil.	January 27, 1849.	January 19, 1850.
Guatemala	Peace, Friendship, Commerce, and Navigation.	March 3, 1849.	July 28, 1852.
Hawaiian Islands.	Friendship, Commerce, and Navigation and Extradition.	December 20, 1849.	November 9, 1850.
Salvador	Amity, Navigation, and Commerce.	January 2, 1850.	April 18, 1853.
Great Britain	Ship-Canal Connecting Atlantic and Pacific Oceans.	April 19, 1850.	July 5, 1850.
Colombia (New Granada).	Consular	May 4, 1850.	December 5, 1851.
Borneo	Amity, Commerce, and Navigation.	June 23, 1850.	July 12, 1854.
Switzerland	Friendship, Commerce, and Navigation.	November 25, 1850.	November 9, 1855.
Portugal	Claims	February 26, 1851.	September 1, 1851.
Costa Rica	Friendship, Commerce, and Navigation.	June 10, 1851.	May 26, 1852.
Peru	Friendship, Commerce, and Navigation.	July 26, 1851.	July 19, 1852.
Hanseatic Republics.	Consular	April 30, 1852.	June 6, 1853.
Prussia	Extradition	June 16, 1852.	June 1, 1853.
Netherlands	Commerce and Navigation	August 26, 1852.	February 26, 1853.
Great Britain	Claims	February 8, 1853.	August 20, 1853.
France	Consular	February 23, 1853.	August 12, 1853.
Argentine Republic.	Free Navigation of the Rivers Paraná and Uruguay.	July 10, 1853.	April 9, 1855.
Argentine Republic.	Friendship, Commerce, and Navigation.	July 27, 1853.	April 9, 1855.
Bavaria	Extradition	September 12, 1853.	November 18, 1854.
Mexico	Boundary, Cession of Territory, Transit of Isthmus of Tehuantepec, etc.	December 30, 1853.	June 30, 1854.
Japan	Peace, Amity, and Commerce.	March 31, 1854.	June 22, 1855.
Great Britain	Reciprocity as to Fisheries, Duties, and Navigation, British North American Colonies.	June 5, 1854.	September 11, 1854.
Lew Chew	Friendship and Commerce	July 11, 1854.	March 9, 1855.
Great Britain	Claims	July 17, 1854.	September 11, 1854.
Russia	Rights of Neutrals at Sea,	July 22, 1854.	November 1, 1854.
Brunswick and Lüneburg.	Respecting the Disposition of Property.	August 21, 1854.	July 30, 1855.

## XII CHRONOLOGICAL LIST OF TREATIES, CONVENTIONS, ETC.

Country	Subject.	Signed.	Proclaimed.
Two Sicilies .....	Rights of Neutrals at Sea .....	January 13, 1855....	July 16, 1855.
Hanover .....	Extradition .....	January 18, 1855....	May 5, 1855.
Netherlands .....	Consular .....	January 22, 1855....	May 26, 1855.
Two Sicilies .....	Amity, Commerce, and Navigation, and Extradition.	October 1, 1855 .....	December 10, 1856.
Siam .....	Amity and Commerce .....	May 29, 1856 .....	August 16, 1858.
Peru .....	Rights of Neutrals at Sea .....	July 22, 1856 .....	November 2, 1857.
Persia .....	Friendship and Commerce .....	December 13, 1856 .....	August 18, 1857.
Austria-Hungary .....	Extradition .....	July 3, 1856 .....	December 15, 1856.
Baden .....	Extradition .....	January 30, 1857 .....	May 19, 1857.
Denmark .....	Discontinuing the Sound Dues .....	April 11, 1857 .....	January 13, 1858.
Japan .....	Commercial and Consular .....	June 17, 1857 .....	June 30, 1858.
Peru .....	Interpreting Article XII, Treaty of 1851.	July 4, 1857 .....	October 14, 1858.
Colombia (New Granada).	Claims .....	September 10, 1857.	November 8, 1860.
Bolivia .....	Peace, Friendship, Commerce, and Navigation.	May 13, 1858 .....	January 8, 1863.
China .....	Peace, Amity, and Commerce .....	June 18, 1858 .....	January 26, 1860.
Belgium .....	Commerce and Navigation .....	July 17, 1858 .....	April 19, 1859.
Japan .....	Commerce and Navigation .....	July 20, 1858 .....	May 23, 1860.
China .....	Establishing Trade Regulations and Tariff.	November 8, 1858 ..	
China .....	Claims .....	November 8, 1858 ..	
Chile .....	Arbitration of Macedonian Claims.	November 10, 1858 ..	December 22, 1859.
France .....	Extradition, additional article .....	February 10, 1858 ..	February 14, 1859.
Venezuela .....	Claims .....	January 14, 1859....	February 26, 1861. <sup>1</sup>
Paraguay .....	Claims .....	February 4, 1859 .....	March 12, 1860.
Paraguay .....	Friendship, Commerce, and Navi- gation.	February 4, 1859 .....	March 12, 1860.
Sweden and Nor- way.	Extradition .....	March 21, 1860 .....	December 21, 1860.
Costa Rica .....	Claims .....	July 2, 1860 .....	November 11, 1861.
Venezuela .....	Amity, Commerce and Navigation, and Extradition.	August 27, 1860 .....	September 25, 1861.
Denmark .....	Consular .....	July 11, 1861 .....	September 20, 1861.
Hanover .....	Abolishing Stade or Brunshausen dues.	November 6, 1861 ..	June 17, 1862.
Mexico .....	Extradition .....	December 11, 1861 ..	June 20, 1862.
Great Britain .....	Suppression of African Slave Trade.	April 7, 1862 .....	June 7, 1862.
Ottoman Empire ..	Commerce and Navigation .....	February 25, 1862 ..	July 2, 1862.
Liberia .....	Commerce and Navigation .....	October 21, 1862....	March 18, 1863.
Ecuador .....	Claims .....	November 25, 1862 ..	September 8, 1864.
Peru .....	Claims .....	December 20, 1862 ..	May 19, 1863.
Peru .....	Claims .....	January 12, 1863....	May 19, 1863.
Great Britain .....	Additional Article Suppression of Slave Trade, 1862.	February 17, 1863 ..	April 22, 1863.
Belgium .....	Relative to Import Duties and Capi- talization of Scheldt Dues.	May 20, 1863 .....	November 18, 1864.
Great Britain .....	Claims .....	July 1, 1863 .....	March 5, 1864.
Belgium .....	Extinguishment of the Scheldt Dues.	July 20, 1863 .....	November 18, 1864.
Japan .....	Reduction of Import Duties .....	January 28, 1864....	April 9, 1866.
Colombia .....	Claims .....	February 10, 1864 ..	August 19, 1865.
Honduras .....	Friendship, Commerce, and Navi- gation.	July 4, 1864 .....	May 30, 1865.
Japan .....	Payment of the Simonoseki Indem- nities.	October 22, 1864....	April 9, 1866.
Haiti .....	Amity, Commerce and Navigation, and Extradition.	November 3, 1864 ..	July 6, 1865.
Morocco .....	Cape Spartel Light-House .....	May 31, 1865 .....	March 12, 1867.
Venezuela .....	Claims .....	April 25, 1866 .....	May 29, 1867.

<sup>1</sup> Ratified by the President.

# CHRONOLOGICAL LIST OF TREATIES, CONVENTIONS, ETC. XIII

Country.	Subject.	Signed.	Proclaimed.
Japan .....	Establishing Tariff Duties.....	June 25, 1866.....	
Dominican Republic.	Amity, Commerce and Navigation, and extradition.	February 8, 1867...	October 24, 1867.
Madagascar.....	Commerce and Navigation .....	February 14, 1867..	October, 1, 1868.
Russia .....	Ceding Alaska.....	March 30, 1867.....	June 20, 1867.
Nicaragua .....	Friendship, Commerce, and Navigation, and as to Isthmian Transit.	June 21, 1867.....	August 13, 1868.
Siam .....	Modification to Treaty of May 29, 1856.	December 17-31, 1867.	August 11, 1868. <sup>1</sup>
Russia .....	Additional Article to Treaty of Commerce, 1832. Trade-Marks.	January 27, 1868....	October 15, 1868.
Italy .....	Consular.....	February 8, 1868...	February 23, 1869
North German Union.	Naturalization .....	February 22, 1868..	May 27, 1868.
Italy .....	Extradition.....	March 23, 1868.....	September 30, 1868.
Bavaria.....	Naturalization .....	May 26, 1868.....	October 8, 1868.
Mexico.....	Claims .....	July 4, 1868.....	February 1, 1869.
China .....	Trade, Consuls, and Emigration....	July 4, 1868.....	February 5, 1870.
Mexico.....	Naturalization .....	July 10, 1868.....	February 1, 1869.
Baden.....	Naturalization .....	July 19, 1868.....	January 10, 1870.
Württemberg .....	Naturalization and Extradition....	July 27, 1868.....	March 7, 1870.
Hesse .....	Naturalization .....	August 1, 1868.....	August 31, 1869.
Belgium .....	Naturalization .....	November 16, 1868..	July 30, 1869.
Peru .....	Claims .....	December 4, 1868....	July 6, 1869.
Belgium .....	Consular.....	December 5, 1868....	March 7, 1870.
Belgium .....	Trade-marks .....	December 20, 1868..	July 30, 1869.
Italy .....	Consular.....	January 21, 1869....	May 11, 1869.
Italy .....	Additional to Extradition Convention, 1868.	January 21, 1869....	May 11, 1869.
France.....	Trade-Marks .....	April 16, 1869.....	July 6, 1869.
Sweden and Norway.	Naturalization .....	May 26, 1869.....	January 12, 1872.
Great Britain.....	Naturalization .....	May 13, 1870.....	September 16, 1870.
Salvador.....	Extradition.....	May 23, 1870.....	March 4, 1874.
Great Britain.....	Suppression of Slave Trade.....	June 3, 1870.....	September 16, 1870.
Nicaragua .....	Extradition.....	June 25, 1870.....	September 19, 1871.
Austria-Hungary	Consular.....	July 11, 1870.....	June 29, 1871.
Peru .....	Friendship, Commerce, and Navigation.	September 6, 1870..	July 27, 1874.
Peru .....	Extradition.....	September 12, 1870..	July 27, 1874.
Austria-Hungary	Naturalization .....	September 20, 1870..	August 21, 1871.
Italy .....	Commerce and Navigation.....	February 26, 1871..	November 23, 1871.
Mexico.....	Claims .....	April 19, 1871.....	February 8, 1872.
Great Britain.....	Settlement of all Causes of Difference.	May 8, 1871.....	July 4, 1871.
German Empire..	Consular.....	December 11, 1871..	June 1, 1872.
Orange Free State.	Friendship, Commerce, and Navigation.	December 22, 1871..	August 23, 1873.
Ecuador .....	Naturalization .....	May 6, 1872.....	November 24, 1873.
Ecuador .....	Extradition.....	June 28, 1872.....	December 24, 1873.
Denmark .....	Naturalization .....	July 20, 1872.....	April 15, 1873.
Mexico.....	Claims .....	November 27, 1872..	July 24, 1873.
Great Britain.....	Additional Article to Treaty of May 8, 1871, Respecting Meeting Places for the Commission under Article XII.	January 18, 1873....	April 15, 1873.
Belgium .....	Extradition.....	March 19, 1874.....	May 1, 1874.
Russia .....	Trade-Mark Declaration.....	March 28, 1874.....	November 24, 1874.
Ottoman Empire.	Extradition.....	August 11, 1874.....	May 26, 1875.
Mexico.....	Claims .....	November 20, 1874..	January 28, 1875.

<sup>1</sup> Ratified by the President.

# XIV CHRONOLOGICAL LIST OF TREATIES, CONVENTIONS, ETC.

Country.	Subject.	Signed.	Proclaimed.
Hawaiian Islands.	Reciprocity.....	January 30, 1875....	June 3, 1875.
Belgium.....	Commerce and Navigation.....	March 8, 1875.....	June 29, 1875.
Mexico.....	Claims.....	April 29, 1876.....	June 29, 1876.
Spain.....	Extradition.....	January 5, 1877.....	February 21, 1877
Great Britain.....	Declaration Affording Reciprocal Protection to Trade-Marks.	October 24, 1877....	July 17, 1878.
Samoa Islands.....	Friendship and Commerce.....	January 17, 1878....	February 13, 1878.
Italy.....	Consular.....	May 8, 1878.....	September 27, 1878.
Netherlands.....	Consular.....	May 23, 1878.....	August 1, 1879.
Japan.....	Commercial.....	July 25, 1878.....	April 8, 1879.
Brazil.....	Trade-Marks Agreement.....	September 24, 1878.	June 17, 1879.
France.....	Claims.....	January 15, 1880....	June 25, 1880.
Belgium.....	Consular.....	March 9, 1880.....	March 1, 1881.
Japan.....	Reimbursing Shipwreck Expenses.....	May 17, 1880.....	October 3, 1881.
Netherlands.....	Extradition.....	May 22, 1880.....	July 30, 1880.
Morocco.....	Protection.....	July 3, 1880.....	December 21, 1881.
China.....	Immigration.....	November 17, 1880..	October 5, 1881.
China.....	Commercial Intercourse and Judi- cial Procedure.	November 17, 1880..	October 5, 1881.
Italy.....	Supplemental to Consular Conven- tion, 1878.	February 24, 1881....	June 29, 1881.
Madagascar.....	Friendship and Commerce.....	May 13, 1881.....	March 13, 1883.
Roumania.....	Consular.....	June 17, 1881.....	July 9, 1883.
Serbia.....	Commerce and Navigation.....	October 14, 1881....	December 27, 1882.
Serbia.....	Consular.....	October 14, 1881....	December 27, 1882.
Korea.....	Peace, Amity, Commerce, and Navigation.	May 22, 1882.....	June 4, 1883.
Italy.....	Trade-Mark Declaration.....	June 1, 1882.....	March 19, 1884.
Belgium.....	Extradition.....	June 13, 1882.....	November 20, 1882.
Spain.....	Trade-Mark.....	June 19, 1882.....	April 19, 1883.
France.....	Claims.....	July 19, 1882.....	December 29, 1882.
Mexico.....	Boundary.....	July 29, 1882.....	March 5, 1883.
Spain.....	Supplementary Extradition.....	August 7, 1882.....	April 19, 1883.
Mexico.....	Commercial Reciprocity.....	January 20, 1883....	June 2, 1884.
France.....	Claims.....	February 8, 1883....	June 25, 1883.
Luxemburg.....	Extradition.....	October 29, 1883....	August 12, 1884.
Belgium.....	Trade-Mark.....	April 7, 1884.....	July 9, 1884.
Siam.....	Regulating Liquor Traffic in Siam.....	May 14, 1884.....	July 5, 1884.
Italy.....	Additional to Extradition Conven- tion, 1868.	June 11, 1884.....	April 24, 1885.
Mexico.....	Boundary, Rio Grande and Rio Col- orado.	November 12, 1884..	September 14, 1886.
Egypt.....	Commercial Agreement.....	November 16, 1884..	May 7, 1885.
Hawaiian Islands.	Reciprocity.....	December 6, 1884....	November 9, 1887.
Mexico.....	Reciprocity.....	February 25, 1885....	May 4, 1886.
Venezuela.....	Claims.....	December 5, 1885....	June 4, 1889.
Mexico.....	Boundary.....	December 5, 1885....	June 28, 1887.
Japan.....	Extradition.....	April 29, 1886.....	November 3, 1886
Mexico.....	Reciprocity.....	May 14, 1886.....	February 1, 1887.
Zanzibar.....	Duty on Liquors, and Consular Powers.	July 3, 1886.....	August 17, 1888.
Tonga.....	Amity, Commerce, and Navigation.....	October 2, 1886.....	September 18, 1888.
Russia.....	Extradition.....	March 28, 1887.....	June 5, 1893.
Netherlands.....	Extradition.....	June 2, 1887.....	June 21, 1889.
Peru.....	Friendship, Commerce, and Navi- gation.	August 31, 1887.....	November 7, 1888.
Venezuela.....	To Remove Doubts as to the Mean- ing of the Convention of 1885.	March 15, 1888.....	June 4, 1889.
Colombia.....	Extradition.....	May 7, 1888.....	February 6, 1891.
Denmark.....	Submitting Claim of Carlos But- terfield & Co. to Arbitration.	December 6, 1888....	May 24, 1889.

Country.	Subject.	Signed.	Proclaimed.
Venezuela .....	Extending the Time for Ratification of the Convention of 1885.	October 5, 1888 ....	June 4, 1889
Mexico .....	Boundary .....	February 18, 1889 ..	October 14, 1889.
Mexico .....	Boundary .....	March 1, 1889 .....	December 26, 1890.
Great Britain and Germany.	Neutrality and Autonomous Government of the Samoan Islands.	June 14, 1889 .....	May 21, 1890.
Great Britain .....	Extradition .....	July 12, 1889 .....	March 25, 1890.
Kongo .....	Amity, Commerce, and Navigation.	January 24, 1891 ....	April 2, 1892.
Venezuela .....	Claims .....	January 19, 1892 .....	July 30, 1894.
Great Britain .....	Relating to Fur-Seals in Behring Sea.	February 29, 1892 ..	May 9, 1892.
Great Britain .....	Renewal of the Existing Modus Vivendi in Behring Sea	April 18, 1892 .....	May 9, 1892
Great Britain .....	Recovery of Deserters from Merchant Vessels.	June 3, 1892 .....	August 1, 1892.
Denmark .....	Trade-Mark .....	June 15, 1892 .....	October 12, 1892.
Great Britain .....	Delimiting Boundaries not Permanently Marked.	July 22, 1892 .....	August 26, 1892.
Chile .....	Claims .....	August 7, 1892 .....	January 28, 1893.
Sweden .....	Extradition .....	January 14, 1893 .....	March 18, 1893
Ecuador .....	For Arbitration of Claim of Julio R. Santos.	February 28, 1893 ..	November 7, 1894.
Norway .....	Extradition .....	June 7, 1893 .....	November 9, 1893.
Great Britain .....	Extending the Terms of the Alaskan Boundary Commissions.	February 3, 1894 ....	March 28, 1894
China .....	Regulating Chinese Immigration ..	March 17, 1894 .....	December 8, 1894.
Russia .....	Modus Vivendi in Relation to the Fur-Seal Fisheries in Behring Sea and the North Pacific Ocean.	May 4, 1894 .....	May 12, 1894
Mexico .....	Boundary .....	August 24, 1894 .....	October 18, 1894.
Japan .....	Commerce and Navigation .....	November 22, 1894 ..	March 21, 1895.
Mexico .....	Boundary .....	October 1, 1895 .....	December 21, 1895.
Great Britain .....	Claims .....	February 8, 1896 ....	June 11, 1896.
Mexico .....	Boundary .....	November 6, 1896 ..	December 23, 1896.
Japan .....	Patents, Trade-Marks, and Designs.	January 13, 1897 ....	March 9, 1897.
Mexico .....	Boundary .....	October 29, 1897 ....	December 21, 1897.
Mexico .....	Boundary .....	December 2, 1898 .....	February 3, 1899.
Spain .....	Peace .....	December 10, 1898 ..	April 11, 1899.

INTERNATIONAL ACTS AND CONVENTIONS.

Subject.	Proclaimed.
Establishing International Bureau of Weights and Measures .....	September 27, 1878.
Amelioration of the Condition of the Wounded in time of War .....	July 26, 1882
Protection of Submarine Cables .....	May 22, 1885.
International Protection of Industrial Property .....	June 11, 1887
International Exchange of Official Documents, Scientific and Literary Publications.	January 15, 1889.
Immediate Exchange of Official Journals, Parliamentary Annals, and Documents.	January 15, 1889.
International Union for the Publication of Customs Tariffs .....	December 17, 1890.
General Act for the Repression of African Slave Trade .....	April 2, 1892.
Supplementary Convention as to Expenses of International Bureau for Protection of Industrial Property.	June 22, 1892.





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# ALGIERS.

1795.

## TREATY OF PEACE AND AMITY.

*Concluded September 5, 1795; ratification advised by the Senate March 2, 1796. (Treaties and Conventions, 1889, p. 1.)*

This treaty of twenty-two articles provided for peace, commercial intercourse, and friendly treatment of the citizens and shipping of the United States in consideration of an annual payment to the Dey of Algiers. It was superseded by the treaty of 1815.

1815.

## TREATY OF AMITY AND PEACE.

*Concluded June 30, 1815; ratification advised by the Senate December 21, 1815; ratified by the President December 26, 1815; proclaimed December 26, 1815. (Treaties and Conventions, 1889, p. 6.)*

This treaty of twenty-two articles was signed by Commodore Decatur and William Shaler, and provided for the abolition of the annual payment, for the restitution of captives and property, for commercial intercourse, etc.

1816.

## TREATY OF PEACE AND AMITY.

*Concluded December 22 and 23, 1816; ratification advised by the Senate February 1, 1822; ratified by the President February 11, 1822; proclaimed February 11, 1822. (Treaties and Conventions, 1889, p. 10.)*

By this treaty of twenty-two articles the same privileges included in the treaty of 1815 were renewed, with an additional article annulling the special rights accorded to United States vessels in case of war.

Algiers having become a province of France in 1830, the treaty became obsolete.

# ARGENTINE REPUBLIC.

(ARGENTINE CONFEDERATION.)

1853.

## TREATY FOR THE FREE NAVIGATION OF THE RIVERS PARANÁ AND URUGUAY.

*Concluded July 10, 1853; ratification advised by the Senate June 13, 1854; ratified by the President July 5, 1854; ratifications exchanged December 20, 1854; proclaimed April 9, 1855. (Treaties and Conventions, 1889, p. 16.)*

### ARTICLES.

- |   |   |
|---|---|
| I. Free navigation of Paraná and Uruguay rivers conceded. | VI. Free navigation in time of war.                 |
| II. Loading and unloading vessels.                        | VII. Accession of other South American governments. |
| III. Marking channels.                                    | VIII. Most favored nation clause.                   |
| IV. Collection of customs and other dues.                 | IX. Ratification.                                   |
| V. Possession of Martin Garcia Island.                    |   |

The President of the United States and His Excellency the Provisional Director of the Argentine Confederation, being desirous of strengthening the bonds of friendship which so happily subsist between their respective States and Countries, and convinced that the surest means of arriving at this result is to take in concert all the measures requisite for facilitating and developing commercial relations, have resolved to determine by treaty the conditions of the free navigation of the Rivers Paraná and Uruguay, and thus to remove the obstacles which have hitherto impeded this navigation.

With this object they have named as their Plenipotentiaries, that is to say:

The President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation;

And his Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril, and Doctor Don José Benjamin Gorostiaga;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

### ARTICLE I.

The Argentine Confederation, in the exercise of her sovereign rights, concedes the free navigation of the Rivers Paraná and Uruguay, wherever they may belong to her, to the merchant vessels of all nations, subject only to the conditions which this treaty establishes, and to the regulations sanctioned, or which may hereafter be sanctioned, by the National Authority of the Confederation.

## ARTICLE II.

Consequently the said vessels shall be admitted to remain, load and unload in the places and ports of the Argentine Confederation which are open for that purpose.

## ARTICLE III.

The Government of the Argentine Confederation, being desirous to provide every facility for interior navigation, agrees to maintain beacons and marks pointing out the channels.

## ARTICLE IV.

A uniform system shall be established by the competent authorities of the Confederation, for the collection of the custom-house duties, harbor, lights, police and pilotage dues, along the whole course of the waters which belong to the Confederation.

## ARTICLE V.

The High Contracting Parties, considering that the Island of Martin Garcia may, from its position, embarrass and impede the free navigation of the Confluents of the River Plate, agree to use their influence to prevent the possession of the said Island from being retained or held by any State of the River Plate, or its Confluents which shall not have given its adhesion to the principle of their free navigation.

## ARTICLE VI.

If it should happen (which God forbid) that war should break out between any of the States, Republics or Provinces of the River Plate or its Confluents, the navigation of the Rivers Paraná and Uruguay shall remain free to the merchant-flag of all nations, excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead and cannon balls.

## ARTICLE VII.

Power is expressly reserved to His Majesty the Emperor of Brazil, and the Governments of Bolivia, Paraguay and the Oriental State of Uruguay, to become parties to the present Treaty, in case they should be disposed to apply its principles to the parts of the Rivers Paraná, Paraguay and Uruguay over which they may respectively possess fluvial rights.

## ARTICLE VIII.

The principal objects for which the Rivers Paraná and Uruguay are declared free to the commerce of the world, being to extend the mercantile relations of the countries which border them, and to promote immigration, it is hereby agreed that no favor or immunity shall be granted to the flag or trade of any other nation which shall not equally extend to those of the United States.

## ARTICLE IX

The present treaty shall be ratified on the part of the Government of the United States within fifteen months from its date, and within two days by His Excellency the Provisional Director of the Argentine

Confederation, who shall present it to the first Legislative Congress of the Confederation for their approbation.

The ratifications shall be exchanged at the seat of Government of the Argentine Confederation within the term of eighteen months.

In witness whereof the respective Plenipotentiaries have signed this Treaty and affixed thereto their seals.

Done at San José de Flores on the tenth day of July in the year of Our Lord one thousand eight hundred and fifty three.

[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]

ROBT. C. SCHENCK.

JN<sup>o</sup> PENDLETON.

SALVADOR M<sup>a</sup> DEL CARRIL.

JOSÉ B. GOROSTIAGA.

1853.

### TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION.

*Concluded July 27, 1853; ratification advised by the Senate June 13, 1854; ratified by the President June 29, 1854; ratifications exchanged December 20, 1854; proclaimed April 9, 1855. (Treaties and Conventions, 1889, p. 18.)*

#### ARTICLES.

I. Amity.  
II. Mutual freedom of commerce.  
III. Most favored nation clause.  
IV. No discriminating duties to be levied.  
V. Navigation dues to be equal.  
VI. Mutual privileges to vessels.  
VII. Nationality of vessels.  
VIII. Freedom to trade.

IX. Privileges of citizens; settling estates.  
X. Exemptions from military service and forced loans; taxes.  
XI. Diplomatic and consular agents.  
XII. Privileges in time of war.  
XIII. Mutual protection to citizens.  
XIV. Ratification.

Commercial intercourse having been for some time established between the United States and the Argentine Confederation, it seems good for the security as well as the encouragement of such commercial intercourse and for the maintenance of good understanding between the two Governments, that the relations now subsisting between them should be regularly acknowledged and Confirmed by the signing of a Treaty of Friendship, Commerce and Navigation. For this purpose they have nominated their Respective Plenipotentiaries, that is to say:

The President of the United States, Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, Chargé d'Affaires of the United States to the Argentine Confederation;

And His Excellency the Provisional Director of the Argentine Confederation, Doctor Don Salvador Maria del Carril and Doctor Don José Benjamin Gorostiaga;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I.

There shall be perpetual amity between the United States and their citizens on the one part, and the Argentine Confederation and its citizens on the other part.

## ARTICLE II.

There shall be between all the territories of the United States and all the territories of the Argentine Confederation a reciprocal freedom of Commerce. The citizens of the two countries respectively shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports and rivers, in the territories of either, to which other foreigners, or the ships or cargoes of any other foreign nation or state are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; to hire and occupy houses and warehouses for the purposes of their residence and commerce; to trade in all kinds of produce, manufactures and merchandise of lawful commerce; and generally to enjoy in all their business the most complete protection and security, subject to the general laws and usages of the two countries respectively. In like manner the respective ships of war, and post-office or passenger packets of the two countries shall have liberty, freely and securely, to come to all harbors, rivers and places, to which other foreign ships of war and packets are or may be permitted to come; to enter into the same, to anchor and remain there and refit, subject always to the laws and usages of the two countries respectively.

## ARTICLE III.

The two high contracting parties agree that any favor, exemption, privilege or immunity whatever, in matters of commerce or navigation, which either of them has actually granted, or may hereafter grant, to the citizens or subjects of any other government, nation or state, shall extend, in identity of cases and circumstances to the citizens of the other contracting party, gratuitously, if the concession in favor of that other government, nation or state shall have been gratuitous—or, in return for an equivalent compensation, if the concession shall have been conditional.

## ARTICLE IV.

No higher or other duties shall be imposed on the importation into the territories of either of the two contracting parties, of any article, of the growth, produce or manufacture of the territories of the other contracting party, than are or shall be payable on the like article of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the contracting parties on the exportation of any article to the territories of the other, than such as are or shall be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of any article of the growth, produce or manufacture of the territories of either of the contracting parties, to or from the territories of the other, which shall not equally extend to the like article of any other foreign country.

## ARTICLE V.

No other or higher duties or charges on account of tonnage, light or harbor dues, pilotage, salvage in case of average or shipwreck, or any other local charges, shall be imposed, in the ports of the two contracting parties, on the vessels of the other, than those payable in the same ports on its own vessels.



## ARTICLE VI.

The same duties shall be paid and the same drawbacks and bounties allowed upon the importation or exportation of any article into or from the territories of the United States, or, into or from the territories of the Argentine Confederation, whether such importation or exportation be made in vessels of the United States or, in vessels of the Argentine Confederation.

## ARTICLE VII.

The contracting parties agree to consider and treat as vessels of the United States and of the Argentine Confederation, all those which, being furnished by the competent authority with a regular passport or sea-letter, shall, under the then existing laws and regulations of either of the two Governments, be recognized fully and *bona fide* as national vessels by that country to which they respectively belong.

## ARTICLE VIII.

All merchants, commanders of ships and others, citizens of the United States, shall have full liberty, in all the territories of the Argentine Confederation, to manage their own affairs themselves, or, to commit them to the management of whomsoever they please, as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons in those capacities, than those employed by citizens of the Argentine Confederation, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of the Argentine Confederation. And absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares or merchandise imported into or exported from the Argentine Confederation, as they shall see good, observing the laws and established customs of the country. The same rights and privileges, in all respects, shall be enjoyed in the territories of the United States, by the citizens of the Argentine Confederation. The citizens of the two contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property and shall have free and open access to the Courts of justice in the said countries respectively for the prosecution and defense of their just rights, and they shall be at liberty to employ in all cases such advocates, attorneys or agents as they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

## ARTICLE IX.

In whatever relates to the police of the ports, the lading and unloading of ships, the safety of the merchandise, goods and effects, and to the acquiring and disposing of property of every sort and denomination either by sale, donation, exchange, testament, or in any other manner whatsoever, as also to the administration of justice, the citizens of the two contracting parties shall reciprocally enjoy the same privileges, liberties and rights, as native citizens, and they shall not be charged, in any of those respects, with any higher imposts or duties than those which are paid or may be paid by native citizens, submitting of course to the local laws and regulations of each country respectively. If any citizen of either of the two contracting par-

ties shall die without will or testament, in any of the territories of the other, the Consul general or Consul of the nation to which the deceased belonged, or the representative of such Consul general or Consul, in his absence, shall have the right to intervene in the possession, administration and judicial liquidation of the estate of the deceased, conformably with the laws of the country, for the benefit of the creditors and legal heirs.

#### ARTICLE X.

The citizens of the United States residing in the Argentine Confederation, and the citizens of the Argentine Confederation residing in the United States, shall be exempted from all compulsory military service whatsoever, whether by sea or by land, and from all forced loans, requisitions or military exactions; and they shall not be compelled, under any pretext whatever, to pay any ordinary charges, requisitions or taxes greater than those that are paid by native citizens of the contracting parties respectively.

#### ARTICLE XI.

It shall be free for each of the two contracting parties to appoint Consuls, for the protection of trade, to reside in any of the territories of the other party; but, before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

The archives and papers of the Consulates of the respective Governments shall be respected inviolably, and under no pretext whatever shall any magistrate, or, any of the local authorities, seize, or in any way interfere with them.

The Diplomatic agents and Consuls of the Argentine Confederation shall enjoy in the territories of the United States, whatever privileges, exemptions and immunities are, or shall be, granted to agents of the same rank, belonging to the most favored nation; and in like manner, the diplomatic agents and Consuls of the United States, in the territories of the Argentine Confederation, shall enjoy, according to the strictest reciprocity, whatever privileges exemptions and immunities, are, or may be granted in the Argentine Confederation to the diplomatic agents and Consuls of the most favored nation.

#### ARTICLE XII.

For the better security of commerce between the United States and the Argentine Confederation, it is agreed that if at any time any interruption of friendly commercial intercourse, or any rupture, should unfortunately take place between the two contracting parties, the citizens of either of them residing in the territories of the other, shall have the privilege of remaining and continuing their trade or occupation therein, without any manner of interruption, so long as they behave peaceably and commit no offense against the laws; and their effects and property, whether intrusted to individuals or to the state, shall not be liable to seizure or sequestration, or to any other demands than those which may be made upon the like effects or property belonging to the native inhabitants of the state in which such citizens may reside.

## ARTICLE XIII.

The citizens of the United States, and the citizens of the Argentine Confederation, respectively, residing in any of the territories of the other party, shall enjoy, in their houses, persons and properties, the full protection of the government.

They shall not be disturbed, molested, nor annoyed in any manner on account of their religious belief, nor in the proper exercise of their peculiar worship, either within their own houses, or, in their own Churches or chapels, which they shall be at liberty to build and maintain, in convenient situations, to be approved of by the local government, interfering in no way with, but respecting the religion and customs of the country in which they reside. Liberty shall also be granted to the citizens of either of the contracting parties, to bury those who may die in the territories of the other, in burial places of their own, which in the same manner may be freely established & maintained.

## ARTICLE XIV.

The present treaty shall be ratified on the part of the Government of the United States within fifteen months from the date; and within three days by His Excellency the Provisional Director of the Argentine Confederation, who will also present it to the first Legislative Congress of the Confederation for their approval.

The ratifications shall be exchanged at the seat of Government of the Argentine Confederation within the term of eighteen months.

In witness whereof the respective Plenipotentiaries have signed this Treaty, and affixed thereto their seals.

Done at San José, on the twenty seventh day of July in the year of Our Lord one thousand eight hundred & fifty three.

[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]

ROBT C. SCHENCK  
JN<sup>o</sup> PENDLETON  
SALVADOR M<sup>a</sup> DEL CARRIL  
JOSÉ B GOROSTIAGA

# AUSTRIA-HUNGARY.

1829.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded August 27, 1829; ratification advised by the Senate February 10, 1830; ratified by the President February 11, 1830; ratifications exchanged February 10, 1831; proclaimed February 10, 1831. (Treaties and Conventions, 1889, p. 23.)*

### ARTICLES.

- |   |   |
|---|---|
| I. Liberty of commerce and navigation.        | VII. Coastwise trade.                     |
| II. Shipping charges to be equal.             | VIII. No discriminations against vessels. |
| III. No discrimination in import duties.      | IX. Most favored nation favors.           |
| IV. Application of two preceding articles.    | X. Consular officers authorized.          |
| V. Most favored nation treatment of products. | XI. Property of deceased persons.         |
| VI. Reciprocal right of vessels to export.    | XII. Duration.                            |
|   | XIII. Ratification.                       |

(The period for the exchange of ratifications was extended, with the advice and consent of the Senate, by resolution of February 3, 1831, and the consent of the Emperor of Austria, expressed by his minister in the certificate of exchange of ratifications, February 10, 1831.)

The United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, have, in consequence, agreed to enter into negotiations for the conclusion of a Treaty of Commerce and Navigation, for which purpose the President of the United States has conferred Full Powers on Martin Van Buren, their Secretary of State; and His Majesty the Emperor of Austria has conferred like Powers on Lewis Baron de Lederer, His said Majesty's Consul for the port of New York, and the said Plenipotentiaries having exchanged their said Full Powers, found in good and due form, have concluded and signed the following articles.

### ARTICLE I.

There shall be between the Territories of the High Contracting Parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports places and rivers of the Territories of each Party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and

reside in all parts whatsoever of said territories, in order to attend to their commercial affairs; and they shall enjoy, to that effect, the same security, protection and privileges as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

#### ARTICLE II.

Austrian vessels arriving, either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving, either laden, or in ballast, in the ports of the dominions of Austria, shall be treated on their entrance, during their stay and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage and port-charges, as well as to the fees and perquisites of public officers, and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local Authorities, or of any private establishment whatsoever.

#### ARTICLE III.

All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the dominions of Austria, in Austrian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local Authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Austrian vessels.—And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the dominions of Austria, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Austrian vessels, without paying other or higher duties or charges, of whatever kind or denomination levied in the name, or to the profit of the Government, the local Authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

#### ARTICLE IV.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles, are, to their full extent, applicable to Austrian vessels and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes arriving in the ports of the dominions of Austria, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

#### ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States, of any article the produce or manufacture of the dominions of Austria; and no higher or other duties shall be imposed on the importation into the dominions of Austria, of any article the produce or manufacture of the United States, than are, or shall be

payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of the dominions of Austria, to or from the ports of the United States, or to or from the ports of the dominions of Austria, which shall not equally extend to all other Nations.

#### ARTICLE VI.

All kinds of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported, or re-exported from the ports of the said United States, in national vessels, may also be exported or re-exported therefrom in Austrian vessels, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local Authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported or re-exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the dominions of Austria, so that all kind of merchandise and articles of commerce either the produce of the soil or of the industry of the said dominions of Austria, or of any other country, which may be lawfully exported or re-exported from Austrian ports, in national vessels, may also be exported or re-exported therefrom, in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local Authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported, or re-exported in Austrian vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one Party, or of the other.

#### ARTICLE VII.

It is expressly understood and agreed that the coastwise navigation of both the Contracting Parties is altogether excepted from the operation of this Treaty, and of every Article thereof.

#### ARTICLE VIII.

No priority or preference shall be given, directly or indirectly, by either of the Contracting Parties, or by any company, corporation or Agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to the character of the vessel, whether it be of the one Party or of the other, in which such article was imported, it being the true intent and meaning of the Contracting Parties that no distinction or difference whatever shall be made in this respect.

#### ARTICLE IX.

If either Party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other Party freely, where it is freely granted to such other nation, or on yielding the same compensation when the grant is conditional.



ARTICLE II.<sup>1</sup>

Where, on the death of any person holding real property, or property not personal, within the territories of one Party, such real property would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of two years to sell the same; which term may be reasonably prolonged according to circumstances; and to withdraw the proceeds thereof, without molestation, and exempt from any other charges than those which may be imposed in like cases upon the inhabitants of the country from which such proceeds may be withdrawn.

ARTICLE III.<sup>1</sup>

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same according to Article II. may take measures to receive or dispose of the inheritance.

ARTICLE IV.<sup>2</sup>

The high contracting Parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice Consuls, commercial agents and vice commercial agents, of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any of the said Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The said Consuls, Vice Consuls, commercial and vice commercial Agents shall have the right, as such to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice Consuls, commercial agents or vice commercial agents should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls, Vice Consuls, commercial Agents and Vice Commercial Agents, are authorized to require the assistance of the local authorities for the search, arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply in writing to the competent tribunals, judges and officers, and shall demand said deserters, proving by the exhibition of the registers of the vessels, the muster rolls of the crews, or by any other official documents, that such individuals form legally part of the crews; and on such claim being substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice Consuls, commercial agents, and vice commercial Agents, and may be confined in the public prisons, at the request and

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<sup>1</sup> Article XI, p. 12.<sup>2</sup> Article X, p. 12, and Convention of 1870, p. 17.

cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. If, however, the deserter shall be found to have committed any crime or offense requiring trial, his surrender may be delayed, until the tribunal before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

## ARTICLE V.

The present Treaty shall continue in force for two years, counting from the day of the exchange of its ratifications; and if, twelve months before the expiration of that period, neither of the high contracting Parties shall have announced by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

## ARTICLE VI.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of the Senate thereof, and of His Majesty the Emperor of Austria; and the ratifications thereof shall be exchanged in Washington within the term of one year from the date of the signature thereof, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, as well in German as in English, and have thereto affixed their seals.

Done in the city of Washington, on the eighth day of May, one thousand eight hundred and forty-eight, in the seventy-second year of the independence of the United States of America, and in the 14<sup>th</sup> year of the reign of His Majesty the Emperor of Austria.

[SEAL.]  
[SEAL.]

JAMES BUCHANAN  
HÜLSEMANN

1856.

EXTRADITION CONVENTION.<sup>1</sup>

*Concluded July 3, 1856; ratification advised by the Senate with amendment August 13, 1856; ratified by the President December 12, 1856; ratifications exchanged December 13, 1856; proclaimed December 15, 1856. (Treaties and Conventions, 1889, p. 29.)*

## ARTICLES.

- |  |                  |
|--|------------------|
| I. Extraditable crimes; proceedings.                   | IV. Duration.    |
| II. Persons not to be delivered.                       | V. Ratification. |
| III. Persons committing crimes in country where found. |                  |

Whereas, it is found expedient for the better administration of justice and the prevention of crime within the territories and juris-

<sup>1</sup> Article III, p. 25.

Federal cases: In re Baruch, 41 Fed. Rep., 472; in re Adutt, 55 Fed. Rep., 376.



diction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas, the laws of Austria forbid the surrender of its own citizens to a foreign jurisdiction, the government of the United States, with a view of making the Convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore on the one part the United States of America and on the other part His Majesty the Emperor of Austria, having resolved to treat on this subject, have for that purpose appointed their respective plenipotentiaries to negotiate and conclude a Convention—that is to say:

The President of the United States, William L. Marcy, Secretary of State, and His Majesty the Emperor of Austria, John George Chevalier de Hülsemann, His said Majesty's Minister Resident near the Government of the United States, who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

#### ARTICLE I.

It is agreed that the United States and Austria shall, upon mutual requisitions by them or their ministers, officers or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party, shall seek an asylum or shall be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offense had there been committed; and the respective judges and other magistrates of the two governments shall have power, jurisdiction and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive. The provisions of the present Convention, shall not be applied, in any manner, to the crimes enumerated in the First Article, committed anterior to the date thereof: nor to any crime or offence of a political character.

#### ARTICLE II.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Convention.

## ARTICLE III.

Whenever any person accused of any of the crimes enumerated in this Convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this Convention until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

## ARTICLE IV.

The present Convention shall continue in force until the 1<sup>st</sup> of January, 1858; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said 1<sup>st</sup> day of January, 1858.

## ARTICLE V.

The present Convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of Austria, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this Convention and have hereunto affixed their seals.

Done in duplicate at Washington the third day of July, in the year of our Lord one thousand eight hundred and fifty-six and of the Independence of the United States the eightieth.

W. L. MARCY

[SEAL.]

HÜLSEMANN

[SEAL.]

1870.

CONSULAR CONVENTION.<sup>1</sup>

*Concluded July 11, 1870; ratification advised by the Senate December 9, 1870; ratified by the President December 19, 1870; time for exchange of ratifications extended by the Senate May 12, 1871; ratifications exchanged June 26, 1871; proclaimed June 29, 1871. (Treaties and Conventions, 1889, p. 31.)*

## ARTICLES.

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|--|---|
| I. Officers recognized.                  | X. Authority as to shipping.            |
| II. Exemptions and immunities.           | XI. Disputes between masters and crews. |
| III. Exemptions as witnesses.            | XII. Deserters from ships.              |
| IV. Use of arms and flags.               | XIII. Settlement of damages at sea.     |
| V. Inviolability of archives.            | XIV. Shipwreck proceedings.             |
| VI. Powers of acting officers.           | XV. Most favored nation privileges.     |
| VII. Vice-consuls and consular agents.   | XVI. Notice of death of intestates.     |
| VIII. Applications to local authorities. | XVII. Duration; ratification.           |
| IX. Performance of notarial acts.        |   |

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia, &c. and Apostolic King of

<sup>1</sup> Article IV, p. 14.

Hungary, animated by the desire to define in a comprehensive and precise manner the reciprocal rights, privileges and immunities of the Consuls-General, Consuls, Vice Consuls and Consular Agents (their Chancellors and Secretaries) of the United States of America and of the Austro-Hungarian Monarchy, and to determine their duties and their respective sphere of action, have agreed upon the conclusion of a Consular Convention, and for that purpose have appointed their respective Plenipotentiaries, namely:

The President of the United States of America, Hamilton Fish, Secretary of State of the United States.

And His Majesty the Emperor of Austria, Apostolic King of Hungary, Charles, Baron von Lederer, Knight of the Imperial and Royal Order of Leopold, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States of America, who after communicating to each other their full powers, found in good and due form, have agreed upon the following Articles:

#### ARTICLE I.

Each of the High Contracting Parties shall be at liberty to establish Consuls-General, Consuls, Vice Consuls or Consular Agents at the ports and places of trade of the other party, except those where it may not be convenient to recognize such officers, but this exception shall not apply to one of the High Contracting Parties without also applying to every other Power.

Consuls-General, Consuls and other Consular officers appointed and taking office according to the provisions of this Article, in one or the other of the two countries, shall be free to exercise the right accorded them by the present Convention throughout the whole of the district for which they may be respectively appointed.

The said functionaries shall be admitted and recognized respectively upon presenting their credentials in accordance with the rules and formalities established in their respective countries.

The exequatur required for the free exercise of their official duties shall be delivered to them free of charge; and upon exhibiting such exequatur they shall be admitted at once and without interference by the authorities, federal or State, judicial or Executive, of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted.

#### ARTICLE II.

The Consuls-General, Consuls, Vice Consuls and Consular Agents, their Chancellors and other Consular Officers, if they are citizens of the State which appoints them, shall be exempt from military billetings, from service in the military or the national guard, and other duties of the same nature and from all direct and personal taxation, whether federal, State or municipal, provided they be not owners of real estate and neither carry on trade nor any industrial business.

If, however, they are not citizens of the State which appoints them, or if they are citizens of the State in which they reside, or if they own property, or engage in any business there that is taxed under any laws of the country, then they shall be subject to the same taxes, charges, and assessments as other private individuals.

They shall, moreover, enjoy personal immunities, except for acts regarded as crimes by the laws of the country in which they reside.

If they are engaged in commerce, personal detention can be resorted to in their case, only for commercial liabilities and then, in accordance only with general laws applicable to all persons alike.

### ARTICLE III.

Consuls-General, Consuls, and their Chancellors, Vice Consuls, and Consular officers, if citizens of the country which appoints them, shall not be summoned to appear as witnesses before a Court of Justice, except when pursuant to law the testimony of a Consul may be necessary for the defence of a person charged with crime.

In other cases the local Court, when it deems the testimony of a Consul necessary shall either go to his dwelling to have the testimony taken orally, or shall send there a competent officer to reduce it to writing, or shall ask of him a written declaration.

### ARTICLE. IV.

Consuls-General, Consuls, Vice Consuls and Consular Agents shall be at liberty to place over the chief entrance of their respective offices, the arms of their nation, with the inscription: "Consulate General", "Consulate", "Vice Consulate" or "Consular Agency" as may be.

They shall also be at liberty to hoist the flag of their country on the Consular edifice, except when they reside in a city where the Legation of their Government may be established.

They shall also be at liberty to hoist their flag on board the vessel employed by them in port for the discharge of their duty.

### ARTICLE. V.

The Consular Archives shall be at all times inviolable and under no pretence whatever shall the local authorities be allowed to examine or seize the papers forming part of them.

### ARTICLE. VI.

In the event of incapacity, absence or death of Consuls-General, Consuls, Vice Consuls, their Consular Pupils, Chancellors or Secretaries, whose official character may have been previously made known to the respective authorities in the United States or in the Austro-Hungarian Empire, shall be admitted at once to the temporary exercise of the consular functions, and they shall for the duration of it, enjoy all the immunities, rights, and privileges conferred upon them by this Convention.

### ARTICLE VII.

Consuls-General and Consuls, shall have the power to appoint Vice Consuls and Consular Agents, in the cities, ports, and towns within their Consular districts, subject however to the approbation of the Government of the country where they reside.

These Vice Consuls and Consular Agents may be selected indiscriminately from among citizens of the two countries or from foreigners and they shall be furnished with a Commission issued by the appointing Consul, under whose orders they are to be placed.

They shall enjoy the privileges and liberties stipulated in this Convention. To Vice Consuls and to Consular Agents who are not citizens of the State which appoints them, the privileges and immunities specified in Article II. shall not extend.

#### ARTICLE VIII.

Consuls-General, Consuls, Vice Consuls, or Consular Agents of the two countries may, in the exercise of their duties apply to the authorities within their district, whether federal or local, judicial or executive, in the event of any infraction of the Treaties and Conventions between the two countries, also for the purpose of protecting the rights of their countrymen.

Should the said authorities fail to take due notice of their application, they shall be at liberty in the absence of any diplomatic representative of their country to apply to the Government of the country where they reside.

#### ARTICLE IX.

Consuls-General, Consuls, Vice Consuls or Consular Agents of the two countries, also their Chancellors, shall have the right to take at their office, at the residence of the parties, or on board ship the depositions of the Captains and crews of vessels of their own nation,— of passengers on board of them, of merchants, or any other citizens of their own country.

They shall have the power also to receive and verify conformably to the laws and regulations of their country,

1<sup>st</sup> Wills and bequests of their countrymen, and all such acts and contracts between their countrymen as are intended to be drawn up in an authentic form, and verified.

2<sup>nd</sup> Any and all acts of agreement entered upon between citizens of their own country and inhabitants of the country where they reside.

All such acts of agreement and other instruments, and also copies thereof, when duly authenticated by such Consul-General, Consul, Vice Consul or Consular Agent under his official seals, shall be received in Courts of Justice as legal documents or as authenticated copies, as the case may be, and shall have the same force and effect, as if drawn up by competent public officers of one or the other of the two countries.

Consuls-General, Consuls, Vice Consuls or Consular Agents of the respective countries shall have the power to translate and legalize all documents issued by the authorities or functionaries of their own country, and such papers shall have the same force and effect in the country where the aforesaid officers reside, as if drawn up by sworn interpreters.

#### ARTICLE X.

Consuls-General, Consuls, Vice Consuls or Consular Agents shall be at liberty to go on board the vessels of their nation admitted to entry, either in person, or by proxy and to examine the Captain and crew, to look into the register of the ship, to receive declarations with reference to their voyage, their destination, and the incidents of the voyage, also to draw up manifests, lists of freight, to assist in despatching their vessels and finally to accompany the said Captains or crews before the Courts and before the administrative authorities, in order to act as their interpreters or Agents in their business transactions, or applications of any kind.



The Judicial authorities and Custom-House officials shall in no case proceed to the examination or search of merchant vessels, without previous notice to the Consular authority of the nation to which the said vessels belong, in order to enable them to be present.

They shall also give due notice to Consuls, Vice Consuls or Consular Agents, in order to enable them to be present at any depositions or statements to be made in Courts of law, or before local magistrates by Captains or persons composing the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice.

The notice to Consuls, Vice Consuls or Consular Agents shall name the hour fixed for such proceedings, and upon the non-appearance of the said officers or their representatives, the case shall be proceeded with in their absence.

#### ARTICLE XI.

Consuls, Vice Consuls or Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their nation. They shall have therefore the exclusive power to take cognizance of and to settle all differences which may arise at sea or in port between Captains, officers and crews in reference to wages and the execution of mutual contracts, subject in each case to the laws of their own nation.

The local authorities shall in no way interfere except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance, except as aforesaid the local authorities shall confine themselves to the rendering of forcible assistance if required by the Consuls, Vice Consuls or Consular Agents, and shall cause the arrest, temporary imprisonment and removal on board his own vessel of every person whose name is found on the muster rolls or register of the ship or list of the crew.

#### ARTICLE XII.

Consuls-General, Consuls, Vice Consuls or Consular Agents shall have the power to cause the arrest of all sailors or all other persons belonging to the crews of vessels of their nation who may be guilty of having deserted on the respective territories of the High Contracting Powers, and to have them sent on board or back to their native country.

To that end they shall make a written application to the competent local authority, supporting it by the exhibition of the ship's register and list of the crew, or else, should the vessel have sailed previously, by producing an authenticated copy of these documents showing that the persons claimed really do belong to the ship's crew.

Upon such request the surrender of the deserter shall not be refused. Every aid and assistance shall moreover be granted to the said Consular authorities for the detection and arrest of deserters, and the latter shall be taken to the prisons of the country and there detained at the request and expense of the Consular authority until there may be an opportunity for sending them away.

The duration of this imprisonment shall not exceed the term of three months, at the expiration of which time, and upon three days notice to the Consul, the prisoner shall be set free and he shall not be liable to re-arrest for the same cause.

Should, however, the deserter have committed on shore an indictable offence, the local authorities shall be free to postpone his extradition until due sentence shall have been passed and executed.

The High Contracting Parties agree that seamen, or other individuals forming part of the ship's crew, who are citizens of the country in which the desertion took place, shall not be affected by the provisions of this Article.

#### ARTICLE XIII.

In all cases where no other agreement to the contrary exists between owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the respective ports voluntarily or by stress of weather, shall be settled by the Consuls-General, Consuls, Vice Consuls or Consular Agents of their respective nation, provided no interests of citizens of the country where the said functionaries reside, nor of citizens of a third power are concerned.

In that case, and in the absence of a friendly compromise between all parties interested, the adjudication shall take place under supervision of the local authorities.

#### ARTICLE XIV.

In the event of a vessel belonging to the Government or owned by a citizen of one of the two Contracting States, being wrecked or cast on shore upon the coast of the other, the local authorities shall inform the Consuls-General, Consuls, Vice Consuls, or Consular Agents of the district of the occurrence, or if such Consular Agency does not exist, they shall communicate with the Consul-General, Consul, Vice Consul or Consular Agent of the nearest district.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in Austro-Hungarian waters, shall be directed by the United States Consuls-General, Consuls, Vice Consuls or Consular Agents; also all proceedings relative to the salvage of Austro-Hungarian vessels wrecked or cast on shore in American waters, shall be directed by Austro-Hungarian Consuls-General, Consuls, Vice Consuls or Consular Agents.

An interference of the local authorities in the two countries shall take place for the purpose only of assisting the consular authorities in maintaining order and protecting the rights of salvors not belonging to the crew, also for enforcing the regulations relative to the import or export of the merchandise saved.

In the absence and until the arrival of the Consuls-General, Consuls, Vice Consuls or Consular Agents or their duly appointed delegates, the local authorities shall take all the necessary measures for the protection of persons and preservation of the property saved from the wreck.

No charges shall be made for the interference of the local authorities in such cases, except for expenses incurred through salvage and the preservation of property saved, also for those expenses which, under similar circumstances, vessels belonging to the country where the wreck happens would have to incur.

In case of a doubt concerning the nationality of the wrecks, the local authorities shall have exclusively the management and execution of the provisions laid down in the present Article.

The High Contracting Parties also agree that all merchandise and goods not destined for consumption in the country in which the wreck takes place shall be free of all duties.

## ARTICLE. XV.

Consuls-General, Consuls, Vice Consuls and Consular Agents also Consular Pupils, Chancellors and Consular Officers shall enjoy in the two countries all the liberties, prerogatives, immunities and privileges granted to functionaries of the same class of the most favored nation.

## ARTICLE XVI.

In case of the death of a citizen of the United States in the Austrian Hungarian Monarchy, or of a citizen of the Austrian Hungarian Monarchy in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the State to which the deceased belonged, of the circumstance, in order that the necessary information may be immediately forwarded to the parties interested.

## ARTICLE XVII.

The present Convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall be made in conformity with the respective Constitutions of the two countries, and exchanged at Washington within the period of ten (10.) months or sooner if possible.

In case neither of the Contracting Parties gives notice before the expiration of the said term of his intention not to renew this Convention, it shall remain in force a year longer, and so on, from year to year, until the expiration of a year from the day, on which one of the parties shall have given such notice.

In testimony whereof, the respective Plenipotentiaries have signed this Convention and hereunto affixed their respective seals.

Done, in duplicate, at Washington, the eleventh day of July, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.]  
[SEAL.]

HAMILTON FISH  
LEDERER

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1870.

## NATURALIZATION CONVENTION.

*Concluded September 20, 1870; ratification advised by the Senate March 22, 1871; ratified by the President March 24, 1871; ratifications exchanged July 14, 1871; proclaimed August 21, 1871. (Treaties and Conventions, 1889, p. 37.)*

## ARTICLES.

- |                                   |                                       |
|-----------------------------------|---------------------------------------|
| I. Requirements necessary.        | IV. Resumption of former citizenship. |
| II. Liability for prior offenses. | V. Duration.                          |
| III. Former treaties continued.   | VI. Ratification.                     |

The President of the United States of America and His Majesty, the Emperor of Austria, King of Bohemia, etc, and Apostolic King of Hungary, led by the wish to regulate the citizenship of those persons, who emigrate from the United States of America to the territories of the Austro-Hungarian Monarchy, and from the Austro-Hungarian Monarchy to the United States of America, have resolved to



treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a Convention, that is to say:

The President of the United States of America

John Jay, Envoy Extraordinary & Minister Plenipotentiary from the United States to His Imperial and Royal Apostolic Majesty; and

His Majesty the Emperor of Austria etc., Apostolic King of Hungary:

The Count Frederick Ferdinand de Beust, his Majesty's Privy Counsellor and Chamberlain, Chancellor of the Empire, Minister of the Imperial House and of Foreign Affairs, Grand Cross of the orders of St Stephen and Leopold; who have agreed to and signed the following Articles:

#### ARTICLE I.

Citizens of the Austro-Hungarian Monarchy who have resided in the United States of America, uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States shall be held by the Government of Austria and Hungary to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hungarian Monarchy uninterruptedly at least five years and during such residence have become naturalized citizens of the Austro-Hungarian Monarchy shall be held by the United States to be citizens of the Austro-Hungarian Monarchy and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

#### ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

In particular a former citizen of the Austro-Hungarian Monarchy, who under the first article is to be held as an American citizen is liable to trial and punishment according to the laws of Austro-Hungary, for non fulfilment of military duty;

1° if he has emigrated after having been drafted at the time of conscription and thus having become enrolled as a recruit for service in the standing army.

2° if he has emigrated whilst he stood in service under the flag or had a leave of absence only for a limited time;

3° if, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.—On the other hand, a former citizen of the Austro-Hungarian Monarchy naturalized in the United States, who by, or after his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two and three, can on his return to his original country neither be held subsequently to military service, nor remain liable to trial and punishment for the non fulfilment of his military duty.

## ARTICLE III.

The convention<sup>1</sup> for the mutual delivery of criminals, fugitives from justice concluded on the 3. July 1856 between the government of the United States of America on the one part and the Austro-Hungarian Monarchy on the other part as well as the additional convention<sup>2</sup> signed on the 8<sup>th</sup> May 1848 to the treaty of commerce and navigation concluded between the said Governments on the 27 of August 1839 [1829] and especially the stipulations of Article IV of the said additional Convention concerning the delivery of the deserters from the ships of war and merchant vessels, remain in force without change.

## ARTICLE IV.

The emigrant from the one State, who according to article I is to be held as a citizen of the other State, shall not, on his return to his original country, be constrained to resume his former citizenship, yet if he shall of his own accord reacquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

## ARTICLE V

The present convention shall go into effect immediately on the exchange of ratifications and shall continue in force ten years. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

## ARTICLE VI.

The present convention shall be ratified by the President of the United States by and with the consent of the Senate of the United States and by His Majesty the Emperor of Austria etc King of Hungary, with the constitutional consent of the two Legislatures of the Austro-Hungarian Monarchy and the ratifications shall be exchanged at Vienna within twelve months from the date hereof.

In faith whereof the Plenipotentiaries have signed this convention as well in German, as in English and have thereto affixed their seals.

Done at Vienna the twentieth day of September in the year of our Lord, one Thousand Eight hundred and Seventy, in the Ninety Fifth year of the Independence of the United States of America, and in the Twenty Second year of the reign of His Imperial and Royal Apostolic Majesty.

[SEAL.]  
[SEAL.]

JOHN JAY.  
BEUST

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<sup>1</sup> Convention of 1856, p. 15.

<sup>2</sup> Convention of 1848, p. 13.

1871.

## TRADE-MARK CONVENTION.

*Concluded November 25, 1871; ratification advised by the Senate January 18, 1872; ratified by the President January 27, 1872; ratifications exchanged April 22, 1872; proclaimed June 1, 1872. (Treaties and Conventions, 1889, p. 39.)*

## ARTICLES.

- |                                      |                   |
|--------------------------------------|-------------------|
| I. Mutual protection of trade-marks. | III. Duration.    |
| II. Registration.                    | IV. Ratification. |

The United States of America and his Majesty the Emperor of Austria, King of Bohemia &c, and Apostolic King of Hungary, desiring to secure in their respective territories, a guarantee of property in Trade Marks, have resolved to conclude a special Convention for this purpose, and have named as their Plenipotentiaries:

The President of the United States of America, John Jay, their Envoy Extraordinary and Minister Plenipotentiary from the United States of America to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria and Apostolic King of Hungary; the Count Julius Andrassy of Csik Szent Király and Kraszna Horka His Majesty's Privy Counsellor and Minister of the Imperial House and of Foreign Affairs, Grand Cross of the order of S<sup>t</sup> Stephen, &c. &c. &c. who have agreed to sign the following articles.

## ARTICLE I.

Every reproduction of Trade Marks which in the countries or territories of the one of the contracting parties are affixed to certain merchandize to prove its origin and quality is forbidden in the countries or territories of the other of the contracting parties, and shall give to the injured party ground for such action or proceedings to prevent such reproduction, and to recover damages for the same, as may be authorized by the laws of the country in which the counterfeit is proven, just as if the plaintiff were a citizen of that country.

The exclusive right to use a Trade Mark for the benefit of citizens of the United States in the Austro-Hungarian Empire, or of citizens of the Austro-Hungarian Monarchy in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens.

If the Trade Mark has become public property in the country of its origin, it shall be equally free to all in the countries or territories of the other of the two contracting parties.

## • ARTICLE II.

If the owners of Trade Marks, residing in the countries or territories of the one of the contracting parties, wish to secure their rights in the countries or territories of the other of the contracting parties, they must deposit duplicate copies of those marks in the Patent Office at Washington and in the Chambers of Commerce and Trade in Vienna and Pesth.

## ARTICLE III.

The present arrangement shall take effect ninety days after the exchange of ratifications, and shall continue in force for ten years from this date.

In case neither of the high contracting parties gives notice of its intention to discontinue this Convention twelve months before its expiration, it shall remain in force one year from the time that either of the high contracting parties announces its discontinuance.

## ARTICLE IV.

The ratifications of this present Convention shall be exchanged at Vienna within twelve months or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present Convention as well in English as in German and Hungarian, and have affixed thereto their respective seals.

Done at Vienna the twenty fifth day of November in the year of our Lord one thousand eight hundred and seventy one, in the ninety sixth year of the Independence of the United States of America, and in the twenty third year of the reign of His Imperial and Royal Apostolic Majesty.

JOHN JAY.

[SEAL.]

ANDRÁSSY

[SEAL.]

# BADEN.

(See GERMAN EMPIRE.)

1857.

## EXTRADITION CONVENTION.<sup>1</sup>

*Concluded January 30, 1857; ratification advised by the Senate March 12, 1857; ratified by the President March 23, 1857; ratifications exchanged April 21, 1857; proclaimed May 19, 1857. (Treaties and Conventions, 1889, p. 41.)*

### ARTICLES.

- |   |                  |
|---|------------------|
| I. Extraditable crimes; proceedings.                      | IV. Duration.    |
| II. Persons not to be delivered.                          | V. Ratification. |
| III. Persons committing crimes in<br>country where found. |                  |

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas the laws and constitution of Baden do not allow its Government to surrender its own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the Convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore, on the one part, the United States of America, and on the other part, His Royal Highness, the Grand Duke of Baden, having resolved to treat on this subject, have, for that purpose, appointed their respective Plenipotentiaries to negotiate and conclude a convention—that is to say:

The President of the United States of America, Peter D. Vroom Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the Kingdom of Prussia; and His Royal Highness the Grand Duke of Baden, Adolph, Baron Marschall de Bieberstein, His said Royal Highness' Envoy Extraordinary and Minister plenipotentiary at the Court of His Majesty the King of Prussia, &c &c &c, who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

### ARTICLE I.

It is agreed that the United States and Baden shall, upon mutual requisitions by them, or their Ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the fabrication

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<sup>1</sup>Article III, p. 31.

or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if on such hearing the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

Nothing in this article contained shall be construed to extend to crimes of a political character.

#### ARTICLE II.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

#### ARTICLE III.

Whenever any person accused of any of the crimes enumerated in this Convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

#### ARTICLE IV.

The present Convention shall continue in force until the 1<sup>st</sup> of January, one thousand eight hundred and sixty—1860; and if neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said 1<sup>st</sup> day of January, one thousand eight hundred and sixty—1860.

#### ARTICLE V.

The present Convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Baden, and the ratifications shall be exchanged in Berlin within one year from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this Convention and have hereunto affixed their seals.

Done in duplicate at Berlin, the thirtieth day of January, one thousand eight hundred and fifty seven—1857—and the eighty first year of the Independence of the United States.

P. D. VROOM.

ADOLPH BAR. MARSCHALL de BIEBERSTEIN.

[SEAL.]  
[SEAL.]

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1868.

### NATURALIZATION CONVENTION.

*Concluded July 19, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged December 7, 1869; proclaimed January 10, 1870. (Treaties and Conventions, 1889, p. 43.)*

#### ARTICLES.

I. Requirements necessary.  
II. Liability for prior offenses.  
III. Former treaty continued.

IV. Resumption of former citizenship.  
V. Duration.  
VI. Ratification.

The President of the United States of America and His Royal Highness the Grand Duke of Baden, led by the wish to regulate the citizenship of those persons who emigrate from Baden to the United States of America, and from the United States of America to the territory of the Grand Duchy, have resolved to treat on this subject, and have for that purpose appointed plenipotentiaries; that is to say

The President of the United States of America:

George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near the Grand Duke of Baden  
and

His Royal Highness the Grand Duke of Baden

His President of the Ministry of the Grand-Ducal House and of Foreign Affairs, and Chamberlain,

Rudolph von Freydorf who have agreed to and signed the following articles.

#### ARTICLE 1.

Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before, during, or after that time, have become, or shall become naturalized citizens of the United States, shall be held by Baden to be American citizens, and shall be treated as such.

Reciprocally: citizens of the United States of America, who have resided uninterruptedly within the Grand Duchy of Baden five years, and before, during, or after that time, have become or shall become, naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country, has not for either party the effect of naturalization.



## ARTICLE 2.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

In particular: a former Badener who, under the first article, is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfilment of military duty,

1., if he has emigrated, after he, on occasion of the draft from those owing military duty, has been enrolled as a recruit for service in the standing army;

2., if he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time;

3., if having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand: a former Badener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or omissions, other than those above enumerated in the clauses numbered one to three, can on his return to his original country, neither be held subsequently to military service, nor remain liable to trial and punishment for the non-fulfilment of his military duty. Moreover; the attachment on the property of an emigrant for non-fulfilment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States according to the first article.

## ARTICLE 3.

The convention<sup>1</sup> for the mutual delivery of criminals, fugitives from justice, concluded between the Grand-Duchy of Baden on the one part, and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty seven, remains in force without change.

## ARTICLE 4.

The emigrant from the one State who, according to the first Article, is to be held as a citizen of the other State, shall not on his return to his original country be constrained to resume his former citizenship; yet if he shall of his own accord, reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

## ARTICLE 5.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other, six months previous notice

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<sup>1</sup> Convention of 1857, p. 28.



of its intention then to terminate the same, it shall remain in force until the end of twelve months after either of the contracting parties shall have given notice of such intention.

ARTICLE 6.

The present convention shall be ratified by His Royal Highness the Grand Duke of Baden and by the President by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Carlsruhe as soon as possible.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Carlsruhe, the 19. July 1868.

GEORGE BANCROFT  
[SEAL.]  
V. FREYDORF.  
[SEAL.]

# BAVARIA.

(See GERMAN EMPIRE.)

1845.

## CONVENTION ABOLISHING DROIT D'AUBAINE AND TAXES ON EMIGRATION.

*Concluded January 21, 1845; ratification advised by the Senate, with amendment, March 15, 1845; ratified by the President March 18, 1845; ratifications exchanged November 4, 1845; proclaimed August 15, 1846. (Treaties and Conventions, 1889, p. 45.)*

### ARTICLES.

- |  |   |
|--|---|
| I. Taxes abolished.                      | V. Disputes as to inheritances.           |
| II. Disposal of real property.           | VI. Emigration from Bavaria not affected. |
| III. Disposal of personal property.      | VII. Ratification.                        |
| IV. Protecting property of absent heirs. |   |

The United States of America and His Majesty, the King of Bavaria, having agreed for the advantage of their respective citizens and subjects, to conclude a Convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named, for this purpose, their respective Plenipotentiaries, namely: the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary, and Minister Plenipotentiary at the Royal Court of Prussia, and His Majesty the King of Bavaria, upon Count Maximilian von Lerchenfeld-Kœfering, His Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at the Royal Prussian Court, Commander of the Royal Order of the Knights of St. George, of the Order for Merit in Civil Service of the Bavarian crown, of St. Michael, Grand Cross of the Russian Imperial Order of St. Anne of the first Class, of the Royal Prussian Order of the Red Eagle of the first Class, Commander Grand Cross of the Royal Swedish Order of the North Star and Great Commander of the Royal Greek Order of the Saviour,—who after having exchanged their said full powers; found in due and proper form, have agreed to, and signed the following articles:

### ART. I

Every kind of droit d'aubaine, droit de retraite and droit de détraction or tax on emigration is hereby, and shall remain, abolished between the two Contracting Parties, their States, citizens and subjects respectively.

### ART II

Where, on the death of any person holding real property within the territories of one Party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a

term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of *détraction*.

### ART. III

The citizens or subjects of each of the contracting parties shall have power to dispose of their<sup>1</sup> personal property within the States of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, being citizens or subjects of the other Contracting Party, shall succeed to their said<sup>1</sup> personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

### ART. IV

In case of the absence of the heirs, the same care shall be taken provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same according to Art. II, may take measures to receive or dispose of the inheritance.

### ART. V

If any dispute should arise between different claimants to the same inheritance, they shall be decided in the last resort according to the laws, and by the judges of the country where the property is situated.

### ART. VI

But this Convention shall not derogate in any manner from the force of the laws already published, or hereafter to be published by His Majesty, the King of Bavaria, to prevent the emigration of His subjects.

### ART. VII

This Convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Majesty, the King of Bavaria, and the ratifications thereof shall be exchanged at Berlin within the term of fifteen months from the date of the signature hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in quadruplicate in the city of Berlin on the Twenty First day of January, one Thousand, Eight Hundred and Forty Five, in the sixty ninth year of the Independence of the United States of America, and the nineteenth of the reign of His Majesty the King of Bavaria.

[SEAL.]  
[SEAL.]

HENRY WHEATON  
GRAF V LERCHENFELD

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<sup>1</sup> In the original treaty "real and" appeared before "personal property," but these words were stricken out by the Senate.

1853.

EXTRADITION CONVENTION.<sup>1</sup>

*Concluded September 12, 1853; ratification advised by the Senate with an amendment July 12, 1854; ratified by the President July 24, 1854; ratifications exchanged at London November 1, 1854; proclaimed November 18, 1854. (Treaties and Conventions, 1889, p. 47.)*

ARTICLES.

- |                                       |   |
|---------------------------------------|---|
| I. Extraditable crimes; proceedings.  | IV. Persons committing crimes in country where found. |
| II. Accession of other German States. | V. Duration.  |
| III. Persons not to be delivered.     | VI. Ratification.                                     |

The United States of America and His Majesty, the King of Bavaria, actuated by an equal desire to further the administration of justice and to prevent the commission of crimes in their respective countries, taking into consideration, that the increased means of communication between Europe and America facilitate the escape of offenders, and that, consequently provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals as having committed any of the offenses, hereafter enumerated, in one Country, shall have taken refuge within the territories of the other. The constitution and laws of Bavaria, however, not allowing the Bavarian Government to surrender their own subjects for trial before a Foreign Court of Justice, a strict reciprocity requires that the Government of the United States shall be held equally free from any obligation to surrender Citizens of the United States.

For which purposes the high contracting Powers have appointed as their Plenipotentiaries:

The President of the United States, James Buchanan, Envoy extraordinary and Minister plenipotentiary of the United States at the Court of the united kingdom of Great Britain and Ireland.

His Majesty the King of Bavaria, Augustus Baron de Cetto, His said Majesty's Chamberlain, Envoy extraordinary and Minister plenipotentiary at the Court of Her Majesty, the Queen of the united kingdom of Great Britain and Ireland, Knight Commander of the Order for merit of the Bavarian Crown and of the order for Merit of St. Michael, Knight Grand Cross of the royal Grecian Order of our Saviour.

who after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following Articles.

ARTICLE I.

The Government of the United States, and the Bavarian Government promise and engage, upon mutual requisitions by them or their Ministers, officers or authorities respectively made, to deliver up to justice all persons, who being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication, or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party shall seek an asylum, or shall be found within the territories of the other: provided, that this shall only be done upon such

<sup>1</sup> Article III; p. 38.

Federal case: In re Thomas, 12 Blatch., 370.

evidence of criminality, as according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment, for trial, if the crime or offense had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

#### ARTICLE II.

The Stipulations of this Convention shall be applied to any other State of the German Confederation, which may hereafter declare its accession thereto.

#### ARTICLE III.

None of the contracting parties shall be bound, to deliver up its own citizens or subjects under the Stipulations of this Convention.

#### ARTICLE IV.

Whenever any person, accused of any of the crimes enumerated in this Convention, shall have committed a new crime in the territories of the State, where he has sought an asylum, or shall be found, such person shall not be delivered up under the Stipulations of this Convention until he shall have been tried and shall have received the punishment, due to such new crime, or shall have been acquitted thereof.

#### ARTICLE V.

The present Convention shall continue in force until the First of January, One thousand eight hundred and fifty eight, and if neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months, after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties, reserving to itself the right of giving such notice to the other at any time after the expiration of the said First day of January, One thousand, eight hundred and fifty eight.

#### ARTICLE VI.

The present Convention shall be ratified by the President by and with the advice and consent of the Senate of the United States and by the Government of Bavaria and the ratifications shall be exchanged in London within fifteen months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this Convention and have hereunto affixed their Seals.

Done in duplicate in London the twelfth day of September One thousand, eight hundred and fifty three, and the seventy eighth year of the Independence of the United States.

JAMES BUCHANAN [SEAL.]  
A. de CETTO [SEAL.]

1868.

# NATURALIZATION TREATY.

*Concluded May 26, 1868; ratification advised by the Senate June 29, 1868; ratified by the President July 17, 1868; ratifications exchanged September 18, 1868; proclaimed October 8, 1868. (Treaties and Conventions, 1889, p. 49.)*

## ARTICLES.

- |                                   |                                       |
|-----------------------------------|---------------------------------------|
| I. Necessary requirements.        | IV. Resumption of former citizenship. |
| II. Liability for prior offenses. | V. Duration.                          |
| III. Former convention continued. | VI. Ratification.                     |

His Majesty the King of Bavaria, and the President of the United States of America, led by the wish to regulate the citizenship of those persons, who emigrate from Bavaria to the United States of America, and from the United States of America to the territory of the Kingdom of Bavaria, have resolved to treat on this subject and have, for that purpose appointed plenipotentiaries to conclude a convention, that is to say:

His Majesty the King of Bavaria:

D<sup>r</sup>. Otto, Baron of Voelderndorff, Councillor of Ministry, and:

The President of the United States of America:

George Bancroft, Envoy Extraordinary and Minister Plenipotentiary, who have agreed to, and signed the following articles:

## ARTICLE I

Citizens of Bavaria, who have become, or shall become naturalized Citizens of the United States of America and shall have resided uninterruptedly within the United States five years, shall be held by Bavaria to be American Citizens, and shall be treated as such.

Reciprocally: Citizens of the United States of America who have become, or shall become, naturalized Citizens of Bavaria, and shall have resided uninterruptedly within Bavaria five years shall be held by the United States to be Bavarian citizens and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

## ARTICLE II.

A naturalized Citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

## ARTICLE III.

The convention<sup>1</sup> for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Bavaria on the other part, the twelfth day of September one thousand eight hundred and fifty three, remains in force without change.

## ARTICLE IV.

If a Bavarian, naturalized in America renews his residence in Bavaria without the intent to return to America he shall be held to have renounced his naturalization in the United States.

Reciprocally: if an American naturalized in Bavaria renews his residence in the United States without the intent to return to Bavaria, he shall be held to have renounced his naturalization in Bavaria.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

## ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years.

If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

## ARTICLE VI

The present convention shall be ratified by His Majesty the King of Bavaria, and by the President by and with the advice and consent of the Senate of the United States and the ratifications shall be exchanged at Munich within twelve months from the date hereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Munich, the 26 May, 1868.

[SEAL.]  
[SEAL.]

GEO. BANCROFT  
DR. OTTO FHR. VON VÖLDERNDORFF.

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 PROTOCOL.

*Done at Munich, the 26. May, 1868.*

The undersigned met to day to sign the treaty agreed upon, in conformity with their respective full powers, relating to the Citizenship of those persons, who emigrate from Bavaria to the United States of America and from the United States of America to Bavaria; on which occasion, the following observations, more exactly defining and explaining the contents of this treaty were entered in the following protocol:

## I. RELATING TO THE FIRST ARTICLE OF THE TREATY:

1., In as much as the copulative "and" is made use of, it follows, of course, that not the Naturalization alone, but an additional five years' uninterrupted residence is required, before a person can be regarded as coming within the treaty; but it is by no means requisite, that the five years' residence should take place after the naturalization.

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<sup>1</sup>Convention of 1853, p. 35.



It is hereby further understood that if a Bavarian has been discharged from his bavarian Indigenate or on the other side, if an American has been discharged from his american Citizenship in the manner legally prescribed by the Government of his original country, and then acquires naturalization in the other country in a rightfull and perfectly valid manner, then an additional five years' residence shall no longer be required, but a person so naturalized shall from the moment of his naturalization be held and treated as a Bavarian, and reciprocally as an american citizen.

2., The words "resided uninterruptedly" are obviously to be understood, not of a continual bodily presence, but in the legal sense, and therefore a transient absence, a journey, or the like, by no means interrupts the period of five years contemplated by the first article.

## II. RELATING TO THE SECOND ARTICLE OF THE TREATY.

1., It is expressly agreed that a person, who under the first article is to be held as an adopted Citizen of the other state, on his return to his original country, cannot be made punishable for the act of emigration itself, not even though at a later day he should have lost his adopted Citizenship.

## III. RELATING TO ARTICLE FOUR OF THE TREATY.

1. It is agreed on both sides, that the regulative powers granted to the two Governments respectively by their laws for protection against resident aliens, whose residence endangers peace and order in the land, are not affected by the treaty.

In particular the regulation contained in the second clause of the tenth article of the bavarian Military Law of the 30. of January 1868, according to which, Bavarians emigrating from Bavaria before the fulfilment of their military duty, cannot be admitted to a permanent residence in the Land till they shall have become 32 years old, is not affected by the treaty. But yet it is established and agreed, that by the expression "permanent residence" used in the said article the above described emigrants are not forbidden to undertake a journey to Bavaria for a less period of time and for definite purposes, and the royal bavarian Government moreover, cheerfully declares itself ready in all cases in which the emigration has plainly taken place in good faith, to allow a mild rule in practice to be adopted.

2., It is hereby agreed, that when a Bavarian naturalized in America and reciprocally an American naturalized in Bavaria takes up his abode once more in his original country without the intention of return to the country of his adoption, he does by no means thereby recover his former citizenship; on the contrary, in so far as it relates to Bavaria, it depends on his Majesty the King whether he will, or will not in that event grant the bavarian citizenship anew.

The article fourth shall accordingly have only this meaning, that the adopted country of the emigrant cannot prevent him from acquiring once more his former citizenship; but not, that the State, to which the emigrant originally belonged is bound to restore him at once to his original relation.

On the contrary, the citizen naturalized abroad must first apply to be received back into his original country in the manner prescribed by its laws and regulations, and must acquire citizenship anew, exactly like any other alien.

But yet it is left to his own free choice, whether he will adopt that course or will preserve the citizenship of the country of his adoption.

The two plenipotentiaries give each other mutually the assurance that their respective Governments in ratifying this treaty will also regard as approved and will maintain the agreements and explanations contained in the present protocol without any further formal ratification of the Same.

[SEAL.]  
[SEAL.]

GEO. BANCROFT  
DR. OTTO FHR. V. VÖLDERNDORFF.



## BELGIUM.

1845.

### TREATY OF COMMERCE AND NAVIGATION.

*Concluded November 10, 1845; ratification advised by the Senate March 26, 1846; ratified by the President March 30, 1846; ratifications exchanged March 30, 1846; proclaimed March 31, 1846. (Treaties and Conventions, 1889, p. 52.)*

This treaty contained twenty articles, and was terminated August 20, 1858, by notice given by the Belgian Government.

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1858.

### TREATY OF COMMERCE AND NAVIGATION.

*Concluded July 17, 1858; ratification advised by the Senate March 8, 1859; ratified by the President April 13, 1859; ratifications exchanged April 16, 1859; proclaimed April 19, 1859. (Treaties and Conventions, 1889, p. 56.)*

This treaty contained eighteen articles, and was terminated July 1, 1875, by notice given by the Belgian Government. (See Treaty of 1875, p. 47.)

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1863.

### CONVENTION RELATIVE TO IMPORT DUTIES AND CAPITALIZATION OF SCHELDT DUES.

*Concluded May 20, 1863; ratification advised by the Senate February 26, 1864; ratified by the President March 5, 1864; ratifications exchanged June 24, 1864; proclaimed November 18, 1864. (Treaties and Conventions, 1889, p. 60.)*

This convention contained five articles, and those which were not transitory have been superseded by the Treaty of 1875, p. 47.

1863.

## CONVENTION FOR THE EXTINGUISHMENT OF THE SCHELDT DUES.

*Concluded July 20, 1863; ratification advised by the Senate February 26, 1864; ratified by the President March 5, 1864; ratifications exchanged June 24, 1864; proclaimed November 18, 1864. (Treaties and Conventions, 1889, p. 62.)*

## ARTICLES.

- |                                     |                    |
|-------------------------------------|--------------------|
| I. Scheldt dues extinguished.       | V. Execution.      |
| II. Declaration by King of Belgium. | VI. Application.   |
| III. Tonnage and other dues.        | VII. Ratification. |
| IV. Payment by the United States.   |                    |

The United States of America and His Majesty the King of the Belgians equally desirous of liberating forever the navigation of the Scheldt from the dues which encumber it, to assure the reformation of the maritime taxes levied in Belgium and to facilitate thereby the development of trade and navigation, have resolved to conclude a Treaty to complete the convention signed on the twentieth of May Eighteen hundred and Sixty three, between the United States and Belgium, and have appointed as their plenipotentiaries, namely:

The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their Minister Resident to His Majesty the King of the Belgians, and

His Majesty the King of the Belgians, M. Charles Rogier, Grand Officer of the Order of Leopold, decorated with the Iron cross, &c. &c. &c., His Minister of Foreign Affairs,

who, after having exchanged their full powers, found to be in good and due form, have agreed upon the following articles.

## ARTICLE 1.

The High Contracting Parties take note of and record:

1<sup>st</sup>. The Treaty concluded on the twelfth of May, Eighteenthundred and sixty three, between Belgium and the Netherlands which will remain annexed to the present Treaty, and by which his Majesty the King of the Netherlands renounces forever the dues established upon navigation in the Scheldt and its mouths, by the third paragraph of the 9<sup>th</sup> article of the Treaty of the 19<sup>th</sup> April Eighteenthundred and thirty nine, and His Majesty the King of the Belgians engages to pay the capital sum of the redemption of those dues which amount to 17,141,640 florins.

2<sup>d</sup>. The declaration made in the name of His Majesty the King of the Netherlands on the fifteenth of July, Eighteenthundred and sixty three to the Plenipotentiaries of the High Contracting Parties, that the extinguishment of the Scheldt Dues consented to by His said Majesty, applies to all flags, that these dues can never be reestablished under any form whatsoever, and that this suppression shall not affect in any manner, the other provisions of the Treaty of the nineteenth of April Eighteenthundred and thirty nine, declaration which shall be considered inserted in the present Treaty to which it shall remain also annexed.

## ARTICLE 2.

His Majesty the King of the Belgians makes for what concerns Him the same declaration as that which is mentioned in the second paragraph of the preceding article.

## ARTICLE 3.

It is well understood that the tonnage dues suppressed in Belgium in conformity with the Convention of the twentieth of May Eighteen-hundred sixty three, cannot be reestablished, and that the pilotage dues, and local taxes reduced under the same convention, cannot be again increased.

The tariff of pilotage dues and of local taxes at Antwerp shall be the same for the United States as those which are set down in the protocols of the conference at Brussels.

## ARTICLE 4.

In regard to the proportion of the United States in the capital sum of the extinguishment of the Scheldt dues and the manner, place and time of the payment thereof, reference is made by the High Contracting Parties to the Convention of the twentieth of May Eighteen hundred and sixty three.

## ARTICLE V.

The execution of the reciprocal Engagements contained in the present Treaty is made subordinate, in so far as is necessary, to the formalities and rules established by the constitutional laws of the High contracting Parties.

## ARTICLE 6.

It is well understood, that the provisions of article 3. will only be obligatory with respect to the State which has taken part in or those which shall adhere to the treaty of this day, the King of the Belgians reserving to himself expressly the right to establish the manner of treatment as to fiscal and customs regulations of vessels belonging to States which shall not be parties to this Treaty.

## ARTICLE 7.

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Brussels, with the least possible delay.

In faith whereof, the respective Plenipotentiaries have signed the same in duplicate and affixed thereto their seals.

Done at Brussels, the twentieth day of July Eighteen hundred and sixty three.

[SEAL.]  
[SEAL.]

H. S. SANFORD.  
CH. ROGIER.

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[Translation.]

*Treaty of May 12, 1863, between Belgium and the Netherlands, annexed to the treaty of July 20, 1863.*

His Majesty the King of the Belgians and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, having come to an agreement upon the conditions of the redemption, by capitalization, of the dues established upon the navigation of the Scheldt and of its mouths, by paragraph three of the ninth

article of the treaty of the 19th April, 1839, have resolved to conclude a special treaty on this subject, and have appointed for their Plenipotentiaries:

His Majesty the King of the Belgians, M. Aldephonse Alexander Felix, Baron du Jardin, Commander of the Order of Leopold, decorated with the Iron Cross, Commander of the Lion of the Netherlands, Chevalier Grand Cross of the Oaken Crown, Grand Cross and Commander of several other orders, his Envoy Extraordinary and Minister Plenipotentiary near to His Majesty the King of the Netherlands. His Majesty the King of the Netherlands, M. Paul Van der Maesen de Sombreff, Chevalier Grand Cross of the Order of the Nichan Iftihar of Tunis, his Minister of Foreign Affairs; M. Jean Rudolphe Thorbecke, Chevalier Grand Cross of the Order of the Lion of the Netherlands, Grand Cross of the Order of Leopold of Belgium, and of many other orders, his Minister of Interior; and M. Gerard Henri Betz, his Minister of Finance;

Who, after having exchanged their full powers, found in good and due form, have concluded upon the following articles:

#### ARTICLE I.

His Majesty the King of the Netherlands renounces forever, for the sum of 17,141,640 florins of Holland, the dues levied upon the navigation of the Scheldt and of its mouths, by virtue of paragraph three of Article IX. of the treaty of 19th April, 1839.

#### ARTICLE II.

This sum shall be paid to the Government of the Netherlands by the Belgian Government, at Antwerp, or at Amsterdam, at the choice of the latter, the franc calculated at 47½ cents of the Netherlands, as follows:

One-third immediately after the exchange of ratifications, and the two other thirds in three equal installments, payable on the 1st May, 1864, 1st May, 1865, and 1st May, 1866. The Belgian Government may anticipate the above-named payments.

#### ARTICLE III.

From and after the payment of the first installment of one-third, the dues shall cease to be levied by the Government of the Netherlands.

The sums not immediately paid shall bear interest at the rate of 4 per cent. per annum, in favor of the treasury of the Netherlands.

#### ARTICLE IV.

It is understood that the capitalization of the dues shall not in any way affect the engagements by which the two States are bound, in what concerns the Scheldt, by treaties in force.

#### ARTICLE V.

The pilotage dues now levied on the Scheldt are reduced 20 per cent. for sailing vessels, 25 per cent. for towed vessels, and 30 per cent. for steam vessels.

It is, moreover, agreed that the pilotage dues on the Scheldt can never be higher than the pilotage dues levied at the mouths of the Meuse.

#### ARTICLE VI.

The present treaty shall be ratified, and the ratifications shall be exchanged at the Hague within four months, or earlier if possible.

In faith whereof the Plenipotentiaries above named have signed the same and affixed their seals.

Done at the Hague, the 12th May, 1863.

[L. S.]  
[L. S.]  
[L. S.]  
[L. S.]

BARON DU JARDIN.  
P. VAN DER MAESEN DE SOMBREFF.  
THORBECKE.  
BETZ.

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[Translation.]

*Protocol of July 15, 1863, annexed to the treaty of July 20, 1863.*

The undersigned Plenipotentiaries, having come together in conference to determine the general treaty relative to the redemption of the Scheldt dues, and having judged it useful, before drawing up this arrangement in due form, to be

enlightened with respect to the treaty concluded the 12th of May, 1863. between Belgium and Holland, have resolved, to this end, to invite the Minister of the Netherlands to take a place in the conference.

The Plenipotentiary of the Netherlands presented himself in response to this invitation, and made the following declaration:

"The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Netherlands, declares, in virtue of the special powers which have been delivered to him, that the extinguishment of the Scheldt dues, consented to by his August Sovereign in the treaty of the 12th May, applies to all flags; that these dues can never be reëstablished in any form whatsoever; and that this extinguishment shall not affect in any way the other provisions of the treaty of the 19th April, 1839."

[L. S.]

BARON GERICKE D'HERWYNEN.

BRUSSELS, *July 15, 1863.*"

Note has been taken and record made of this declaration, which shall be inserted in or annexed to the general treaty.

Done at Brussels, the 15th July, 1863.

BARON GERICKE D'HERWYNEN.	[L. S.]
BARON DE HUGEL.	[L. S.]
J. T. DO AMARAL.	[L. S.]
M. CARVALLO.	[L. S.]
P. BILLE BRAHE.	[L. S.]
D. COELLO DE PORTUGAL.	[L. S.]
H. S. SANFORD.	[L. S.]
MALARET.	[L. S.]
HOWARD DE WALDEN ET SEAFORD.	[L. S.]
VON HODENBERG.	[L. S.]
CTE. DE MONTALTO.	[L. S.]
MAN. YRIGOYEN.	[L. S.]
VTE. DE SEISAL.	[L. S.]
SAVIGNY.	[L. S.]
ORLOFF.	[L. S.]
ADALBERT MANSBACH.	[L. S.]
C. MUSURUS.	[L. S.]
GEFFCKEN.	[L. S.]
CH. ROGIER.	[L. S.]
BN. LAMBERMONT.	[L. S.]

1868.

#### NATURALIZATION CONVENTION.

*Concluded November 16, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged July 10, 1869; proclaimed July 30, 1869. (Treaties and Conventions, 1889, p. 66.)*

#### ARTICLES.

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| I. Recognition of naturalization.     | IV. Resumption of former citizenship. |
| II. Liability for prior offenses.     | V. Duration.                          |
| III. Exemption from military service. | VI. Ratification.                     |

The President of the United States of America and His Majesty the King of the Belgians, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Belgium and from Belgium to the United States of America, have resolved to make a Convention on this subject and have appointed for their Plenipotentiaries, namely:

The President of the United States of America, Henry Shelton San-

ford, a citizen of the United States, Their Minister Resident near His Majesty the King of the Belgians; and

His Majesty the King of the Belgians, the Sieur Jules Vander Stichelen, Grand Cross of the Order of the Dutch Lion, &c., &c., &c., His Minister of Foreign Affairs,

who after having communicated to each other their full powers found to be in good and proper form, have agreed upon the following articles :

#### ARTICLE 1.

Citizens of the United States who may or shall have been naturalized in Belgium will be considered by the United States as citizens of Belgium;

Reciprocally, Belgians who may or who shall have been naturalized in the United States will be considered by Belgium as citizens of the United States.

#### ARTICLE 2.

Citizens of either contracting party in case of their return to their original country can be prosecuted there for crimes or misdemeanors committed before naturalization, saving to them such limitations as are established by the laws of their original country.

#### ARTICLE 3.

Naturalized citizens of either contracting party who shall have resided five years in the country which has naturalized them, cannot be held to the obligation of military service in their original country or to incidental obligation resulting therefrom in the event of their return to it, except in cases of desertion from organized and embodied military or naval service or those that may be assimilated thereto by the laws of that country.

#### ARTICLE 4.

Citizens of the United States naturalized in Belgium shall be considered by Belgium as citizens of the United States when they shall have recovered their character as citizens of the United States according to the laws of the United States.

Reciprocally, Belgians naturalized in the United States shall be considered as Belgians by the United States when they shall have recovered their character as Belgians according to the laws of Belgium.

#### ARTICLE 5.

The present Convention shall enter into execution immediately after the exchange of ratifications, and shall remain in force for ten years. If, at the expiration of that period, neither of the contracting parties shall have given notice six months in advance of its intention to terminate the same, it shall continue in force until the end of twelve months after one of the contracting parties shall have given notice to the other of such intention.

#### ARTICLE 6.

The present Convention shall be ratified by the President of the United States by and with the advice and consent of the Senate and

by His Majesty the King of the Belgians with the consent of Parliament and the ratifications shall be exchanged at Brussels within twelve months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same and affixed thereto their seals.

Made in duplicate at Brussels the sixteenth of November one thousand eight hundred and sixty eight.

[SEAL.]  
[SEAL.]

H. S. SANFORD  
JULES VANDER STICHELEN

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1868.

#### CONSULAR CONVENTION.

*Concluded December 5, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged July 8, 1869; proclaimed March 7, 1870. (Treaties and Conventions, 1889, p. 68.)*

This treaty, which contained sixteen articles, was terminated January 1, 1880, on notice given by the Belgian Government. See page 53.

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Federal case: In re Wildenhus, 28 Fed Rep., 924.

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1868.

#### TRADE-MARK CONVENTION.

*Concluded December 20, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged June 19, 1869; proclaimed July 30, 1869. (Treaties and Conventions, 1889, p. 72.)*

This was an additional article to the treaty of 1858, and terminated with it July 1, 1875. See page 59.

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1874.

#### EXTRADITION CONVENTION.

*Concluded March 19, 1874; ratifications advised by the Senate March 27, 1874; ratified by the President March 31, 1874; ratifications exchanged April 30, 1874; proclaimed May 1, 1874. (Treaties and Conventions, 1889, p. 73.)*

This treaty contained eight articles, and was terminated November 18, 1882, on the exchange of ratifications of the Treaty of 1882. See page 58.

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Federal cases: Ex parte Van Hoven, 4 Dill.; 411, In re Stupp, 12 Blatch., 501; In re Vandervelpen, 14 Blatch., 137.



1875.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded March 8, 1875; ratification advised by the Senate March 10, 1875; ratified by the President March 16, 1875; ratifications exchanged June 11, 1875; proclaimed June 29, 1875. (Treaties and Conventions, 1889, p. 76.)*

## ARTICLES.

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>I. Freedom of commerce and navigation.</li> <li>II. Duties payable by Belgian vessels.</li> <li>III. Duties payable by United States vessels.</li> <li>IV. Coasting trade.</li> <li>V. Import duties.</li> <li>VI. Export duties.</li> <li>VII. Premiums, drawbacks, etc.</li> </ul> | <ul style="list-style-type: none"> <li>VIII. Fisheries excluded.</li> <li>IX. Nationality of vessels.</li> <li>X. Cargoes for other countries.</li> <li>XI. Warehousing.</li> <li>XII. Most favored nation privileges.</li> <li>XIII. Shipwrecks.</li> <li>XIV. Transit duty.</li> <li>XV. Trademarks.</li> <li>XVI. Duration.</li> <li>XVII. Ratification.</li> </ul> |
|---|--|

The United States of America on the one part, and his Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests, respectively, the bonds of friendship and good understanding so happily established between the Governments and people of the two countries; and desiring with this view to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both States, have to that effect appointed as their plenipotentiaries, namely: The President of the United States, Hamilton Fish, Secretary of State of the United States, and his Majesty the King of the Belgians Maurice Delfosse, Commander of the Order of Leopold, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary in the United States, who, after having communicated to each other their full powers ascertained to be in good and proper form have agreed to and concluded the following articles:

## ARTICLE I.

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries, and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities, or places whatever of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

## ARTICLE II.

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties

of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatsoever, than are required from vessels of the United States in similar cases. This provision extends, not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

### ARTICLE III.

Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatever, than are required from Belgian vessels, in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

### ARTICLE IV.

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

### ARTICLE V.

Objects of any kind soever introduced into the ports of either of the two States under the flag of the other, whatever may be their origin and from what country soever the importation thereof may have been made, shall not pay other or higher entrance duties, nor shall be subjected to other charges or restrictions than they would pay, or be subjected to, were they imported under the national flag.

### ARTICLE VI.

Articles of every description exported by Belgian vessels, or by those of the United States of America from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

### ARTICLE VII.

All premiums, drawbacks, or other favors of like nature, which may be allowed in the States of either of the contracting parties upon goods imported or exported in national vessels, shall be likewise and in the same manner, allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

### ARTICLE VIII.

The preceding article is, however, not to apply to the importation of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

## ARTICLE IX.

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which being provided by the competent authority with a passport, sea letter, or any other sufficient document, shall be recognized, conformably with existing laws, as national vessels in the country to which they respectively belong.

## ARTICLE X.

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board or upon re-exportation, to any charges whatsoever, other than those for the prevention of smuggling.

## ARTICLE XI.

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges, or to other formalities, than if they had been imported under the flag of the country.

## ARTICLE XII.

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege, or immunity to any other State which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession or favor to such other State is gratuitous, and on allowing the same compensation, or its equivalent, if the concession is conditional.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation or re-exportation of similar goods coming from any other foreign country.

In case either of the high contracting parties shall announce to the other its desire to terminate this Article, the operation and the obligation thereof shall cease and determine at the expiration of one year from the delivery of such notice, leaving however the remaining Articles of the Treaty in force until terminated according to the provisions of Article XVI hereinafter.

## ARTICLE XIII.

In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection and the same immunities which would have been granted to its own vessels in similar cases.

## ARTICLE XIV.

Articles of all kinds, the transit of which is allowed in the United States, coming from or going to Belgium, shall be exempt from all transit duty in the United States.

Reciprocally, articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium. Such transit, whether in the United States or in Belgium, shall be subject, however, to such limitations as to the points between which the transit may be made, and to such regulations for the protection of the revenue and the prevention of withdrawal of the articles for consumption or use within the country through which the transit is made, as are or may be prescribed by or under the authority of the laws of the countries respectively.

ARTICLE XV.<sup>1</sup>

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens, agree that any counterfeiting in one of the two countries of the trade marks affixed in the other on merchandise, to show its origin and quality, shall be strictly prohibited, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

The trade marks in which the citizens of one of the two countries may wish to secure the right of property in the other, must be lodged, to wit: the marks of citizens of the United States, at Brussels, in the office of the clerk of the tribunal of commerce; and the marks of Belgian citizens, at the Patent Office in Washington.

It is understood that if a trade mark has become public property in the country of its origin, it shall be equally free to all in the other country.

## ARTICLE XVI.

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

## ARTICLE XVII.

This treaty shall be ratified, and the ratifications shall be exchanged at Brussels within the term of nine months after its date, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the present treaty in duplicate, and have affixed thereto their seals at Washington, the eighth day of March eighteen hundred and seventy five.

HAMILTON FISH	[SEAL.]
MAURICE DELFOSSE	[SEAL.]

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<sup>1</sup> See Trade-Mark Treaty, p. 59.

1880.

## CONSULAR CONVENTION.

*Concluded March 9, 1880; ratification advised by the Senate with amendments June 15, 1880; ratified by the President June 25, 1880; time for exchange of ratifications extended by the Senate January 5, 1881; ratifications exchanged February 25, 1881; proclaimed March 1, 1881. (Treaties and Conventions, 1889, p. 80.)*

## ARTICLES.

- |   |  |
|---|--|
| I. Officers authorized.                 | IX. Applications to local authorities. |
| II. Privileges.                         | X. Performance of notarial acts.       |
| III. Exemptions.                        | XI. Authority as to shipping.          |
| IV. Testimony by consular officers.     | XII. Deserters from ships.             |
| V. Arms and flags.                      | XIII. Settlement of damages at sea.    |
| VI. Inviolability of consulates.        | XIV. Shipwreck proceedings.            |
| VII. Acting officers.                   | XV. Estates of deceased persons.       |
| VIII. Vice-consuls and consular agents. | XVI. Duration; ratification.           |

The President of the United States of America and His Majesty the King of the Belgians, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose, and have accordingly named as their plenipotentiaries:

The President of the United States, William Maxwell Evarts, Secretary of State; and

His Majesty the King of the Belgians, Maurice Delfosse, Commander of the Order of Leopold, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary in the United States;

Who, after having communicated to each other their respective full powers, found to be in good and proper form, have agreed upon the following articles:

## ARTICLE I.

Each of the high contracting parties agrees to receive from the other, consuls general, consuls, vice-consuls and consular agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

## ARTICLE II.

The consuls general, consuls, vice-consuls and consular agents of each of the two high contracting parties shall enjoy reciprocally, in the States of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument, they shall be permitted to enjoy the rights, privileges and immunities granted by this convention.



## ARTICLE III.

Consuls general, consuls, vice-consuls and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions. This exemption shall not, however, apply to consuls general, consuls, vice-consuls or consular agents engaged in any profession, business or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

## ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul general, consul, vice-consul or consular agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Belgium, in the like cases.

## ARTICLE V.

Consuls general, consuls, vice-consuls and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: *consulate general*, or *consulate*, or *vice-consulate*, or *consular agency of the United States* or of *Belgium*.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

## ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

## ARTICLE VII.

In the event of the death, incapacity or absence of consuls general, consuls, vice-consuls and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Ministry for Foreign Affairs in Belgium, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

## ARTICLE VIII.

Consuls general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction. These agents may be selected from among citizens of the United States or of Belgium, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles III, and IV.

## ARTICLE IX.

Consuls general, consuls, vice-consuls and consular agents, shall have the right to address the administrative and judicial authorities, whether, in the United States, of the Union, the States or the municipalities, or in Belgium, of the State, the province or the commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Belgium, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

## ARTICLE X.

Consuls general, consuls, vice-consuls and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which the said consular officer may belong. Such papers and official documents of every kind, whether in the original, in copies, or in translation, duly authenticated and legalized by the Consuls general, consuls, vice-consuls and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Belgium.

## ARTICLE XI.

The respective Consuls general, consuls, vice-consuls and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of



all differences which may arise, either at sea or in port, between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tranquility and public order on shore, or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases, the aforesaid authorities shall confine themselves to lending aid to the consuls and vice-consuls or consular agents, if they are requested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew-list, whenever, for any cause, the said officers shall think proper.

## ARTICLE XII.

The respective Consuls general, consuls, vice-consuls and consular agents may cause to be arrested the officers, sailors, and all other persons making part of the crews, in any manner whatever, of ships of war or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company. Upon such request<sup>1</sup> thus supported, the delivery to them of the deserters cannot be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew-list. All the necessary aid and protection shall be furnished for the pursuit, seizure and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they be again arrested for the same cause.

If the deserter has committed any misdemeanor, and the court having the right to take cognizance of the offense shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed.

## ARTICLE XIII.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily, or are forced by stress of weather, shall be settled by the consuls general, consuls, vice-consuls and consular agents of the respective countries. If, however, any inhabitant of the country or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

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<sup>1</sup>The word "alone" after "request" was stricken out of the Treaty by the Senate.

## ARTICLE XIV.

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Belgium, and of Belgian vessels wrecked upon the coasts of the United States, shall be directed by the consuls general, consuls and vice-consuls of the two countries respectively, and until their arrival, by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

## ARTICLE XV.

In case of the death of any citizen of the United States in Belgium, or of a citizen of Belgium in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to parties interested.

Consuls general, consuls, vice-consuls and consular agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

## ARTICLE XVI.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington as soon as possible within the period of six months. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done at Washington, in duplicate, the ninth of March, one thousand eight hundred and eighty.

WILLIAM MAXWELL EVARTS [SEAL.]  
MAURICE DELFOSSE [SEAL.]

1882.

EXTRADITION CONVENTION.

*Concluded June 13, 1882; ratification advised by the Senate August 8, 1882; ratified by the President November 16, 1882; ratifications exchanged November 18, 1882; proclaimed November 20, 1882. (Treaties and Conventions, 1889, p. 85.)*

ARTICLES.

- |   |                                       |
|---|---------------------------------------|
| I. Mutual delivery of accused.                        | VII. Proceedings.                     |
| II. Extraditable crimes.                              | VIII. Expenses.                       |
| III. Limit of trials.                                 | IX. Limitations.                      |
| IV. Political offenses.                               | X. Articles in possession of accused. |
| V. Persons not to be delivered.                       | XI. Duration; ratification.           |
| VI. Persons committing crimes in country where found. |                                       |

The United States of America and his Majesty the King of the Belgians, having judged it expedient with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a new Convention for that purpose, and have appointed, as their Plenipotentiaries: the President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States; and His Majesty the King of the Belgians, Mr. Theodore de Bounder de Melsbroeck, Commander of His Order of Léopold, &c., &c., His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States; who, after having communicated to each other their respective full powers found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The Government of the United States and the Government of Belgium, mutually agree to deliver up persons who, having been charged, as principals or accessories, with or convicted of any of the crimes and offences specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum, or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of this convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the Belgian penal code by the terms of parricide, assassination, poisoning and infanticide.
2. The attempt to commit murder.

3. Rape, or attempt to commit rape. Bigamy. Abortion.
4. Arson.
5. Piracy or mutiny on shipboard whenever the crew or part thereof shall have taken possession of the vessel by fraud or by violence against the commander.
6. The crime of burglary, defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods by violence or putting him in fear; and the corresponding crimes punished by the Belgian laws under the description of thefts committed in an inhabited house by night, and by breaking in by climbing or forcibly, and thefts committed with violence or by means of threats.
7. The crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign or governmental acts.
8. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank notes, obligations, or in general, anything being a title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps, and marks of state and public administrations, and the utterance thereof.
9. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries.
10. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed.
11. Wilful and unlawful destruction or obstruction of railroads which endangers human life.
12. Reception of articles obtained by means of one of the crimes or offenses provided for by the present convention.

Extradition may also be granted for the attempt to commit any of the crimes above enumerated when such attempt is punishable by the laws of both contracting parties.

### ARTICLE III.

A person surrendered under this convention, shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offense, not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned. He shall moreover not be tried or punished for any crime or offense provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, without the consent of the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article 7 of this convention.

The consent of that Government shall likewise be required for the extradition of the accused to a third country; nevertheless such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

## ARTICLE IV.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offense or of one connected with such a crime or offense. A person who has been surrendered on account of one of the common crimes or offenses mentioned in Article II, shall consequently in no case be prosecuted and punished in the State to which his extradition has been granted on account of a political crime or offense committed by him previously to his extradition or on account of an act connected with such a political crime or offense, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government or against that of any member of his family when such attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offense or an act connected with such an offense.

## ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

## ARTICLE VI.

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for the commission of offenses in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

## ARTICLE VII.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime or offence, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of Belgium, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Belgium, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to the law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.



ARTICLE VIII.

The expenses of the arrest, detention, and transportation of the persons claimed shall be paid by the government in whose name the requisition has been made.

ARTICLE IX.

Extradition shall not be granted, in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed, has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE X.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

ARTICLE XI.

The present convention shall take effect thirty days after the exchange of ratifications.

After it shall have taken effect, the convention of March 19, 1874,<sup>1</sup> shall cease to be in force and shall be superseded by the present convention which shall continue to have binding force for six months after a desire for its termination shall have been expressed in due form by one of the two Governments to the other.

It shall be ratified and its ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the above articles, both in the English and French languages, and they have thereunto affixed their seals.

Done, in duplicate, at the city of Washington, this 13th day of June 1882.

FRED<sup>K</sup>. T. FRELINGHUYSEN. [SEAL.]  
TH<sup>RE</sup>. DE BOUNDER DE MELSBROECK. [SEAL.]

1884.

TRADE-MARK CONVENTION.<sup>2</sup>

*Concluded April 7, 1884; ratification advised by the Senate June 12, 1884; ratified by the President July 7, 1884; ratifications exchanged July 7, 1884; proclaimed July 9, 1884. (Treaties and Conventions, 1889, p. 88.)*

ARTICLES.

I. Mutual protection.  
II. Requirements.

III. Duration; ratification.

The President of the United States of America and His Majesty the King of the Belgians, being desirous of securing reciprocal protection

<sup>1</sup> See p. 46.

<sup>2</sup> Art. XV, p. 50.

for the trade-marks and trade-labels of their respective citizens or subjects within the dominions or territories of the other country, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries: The President of the United States, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States; and His Majesty the King of the Belgians, Théodore de Bounder de Melsbroeck, Commander of His order of Leopold, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States; who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

#### ARTICLE I.

Citizens of the United States in Belgium and Belgian citizens in the United States of America shall enjoy, as regards trade-marks and trade-labels, the same protection as native citizens, without prejudice to any privilege or advantage that is or may hereafter be granted to the citizens of the most favored nation.

#### ARTICLE II.

In order to secure to their marks the protection provided for by the foregoing article, the citizens of each one of the contracting parties shall be required to fulfil the law and regulations of the other.

#### ARTICLE III.

The present arrangement shall take effect, on the day of its official publication, and shall remain in force until the expiration of the twelve months following the notice, given by either of the contracting parties, of its desire for the cessation of its effects.

The ratifications of this Convention shall be exchanged at Washington as soon as possible within one year from this date.

In testimony whereof the respective Plenipotentiaries have signed this Convention in duplicate, in the English and French languages, and affixed thereto the seals of their arms.

Done at Washington the 7th day of April, in the year of our Lord, one thousand eight hundred and eighty-four.

FRED <sup>K</sup> . T. FRELINGHUYSEN	[SEAL.]
TH <sup>RE</sup> DE BOUNDER DE MELS BROECK	[SEAL.]



# BOLIVIA.

1858.

## TREATY OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION.

*Concluded May 13, 1858; ratification advised with amendments by the Senate June 26, 1860; amendments proposed by Constituent Assembly of Bolivia consented to by the Senate and time for exchange of ratifications extended February 3, 1862; ratified by the President February 17, 1862; ratifications exchanged November 9, 1862; proclaimed January 8, 1863. (Treaties and Conventions, 1889, p. 90.)*

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The United States of America and the Republic of Bolivia, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object, the President of the United States of America has conferred full powers on John W. Dana, a citizen of the said States, and their Minister Resident to the said Republic, and the President of the Republic of Bolivia on the citizen Lucas Mendosa de la Tapia, Secretary of State in the Department of Exterior Relations and Public Instruction, who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

### ARTICLE 1.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Bolivia,

in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

#### ARTICLE 2.

If either party shall, hereafter grant to any other nation, its citizens or subjects, any particular favor in navigation or commerce, it shall, immediately, become common to the other party, freely when freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

#### EXPLANATION.<sup>1</sup>

[As in said article it is stipulated that any special favor in navigation and trade granted by one of the contracting parties to any other nation, extends and is common to the other party forthwith, it is declared that, in what pertains to the navigation of rivers, this treaty shall only apply to concessions which the Government may authorize for navigating fluvial streams which do not present obstructions; that is to say, those whose navigation may be naturally plain and current without there having been need to obtain it by the employment of labor and capital; that by consequence there remains reserved the right of the Bolivian Government to grant privileges to any association or company, as well foreign as national, which should undertake the navigation of those rivers from which, in order to succeed, there are difficulties to be overcome, such as the clearing out of rapids, &c., &c.]

#### ARTICLE 3.

The United States of America and the Republic of Bolivia mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens. The citizens of either republic may frequent with their vessels, all the coasts, ports and places of the other, where foreign commerce is permitted, and reside in all parts of the territory of either, and occupy dwellings and warehouses; and everything belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territory of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce, not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts, shall be made without the legal order of a competent tribunal or judge.

The provisions of this treaty are not to be understood as applying to the navigation and coasting trade between one port and another situated in the territory of either of the contracting parties—the regulation of such navigation and trade being reserved, respectively, by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port, open to foreign commerce in the territories of either of the high contracting parties, paying only the custom house duties upon that portion of the cargo which may be discharged, and to proceed with the remainder of their cargo to any other port or ports of the same territory open to foreign commerce, without paying other

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<sup>1</sup> Amendment by the Senate accepted by Bolivia.

or higher tonnage duties or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outwards.

The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country in which they reside, on condition of their submitting to the laws, decrees, and ordinances there prevailing. They shall not be called upon for any forced loan or occasional contribution, nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandise, goods, or effects, for any military expedition, or for any public purpose whatsoever, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

#### ARTICLE 4.

All kinds of produce, manufactures, or merchandise of any foreign country which can, from time to time, be lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Bolivia; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and in like manner, all kinds of produce, manufactures, and merchandise of any foreign country that can be, from time to time, lawfully imported into the Republic of Bolivia in its own vessels, whether in her ports upon the Pacific, or her ports upon the tributaries of the Amazon or La Plata, may be also imported in vessels of the United States; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that what may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Bolivia. In all these respects the vessels and their cargoes of the one country, in the ports of the other, shall, also, be on an equal footing with those of the most favored nation. It being further understood, that these principles shall apply, whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

#### ARTICLE 5.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Bolivia, it is stipulated and agreed, that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or the crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Bolivian vessel.

## ARTICLE 6.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of the Republic of Bolivia, and no higher or other duties shall be imposed on the importation into the Republic of Bolivia of any articles, the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to the Republic of Bolivia, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibitions be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Bolivia, to or from the territories of the United States, or to or from the territories of the Republic of Bolivia, which shall not equally extend to all other nations.

## ARTICLE 7.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of either country, to manage themselves, their own business, in all the ports and places subject to the jurisdiction of the other, as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the citizens or subjects of the most favored nation.

## ARTICLE 8.

The Republic of Bolivia, desiring to increase the intercourse between the Pacific ports, by means of steam navigation, engages to accord to any citizen or citizens of the United States, who may establish a line of steam vessels, to navigate regularly between the different ports and bays of the coasts of the Bolivian territory, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage and money, carrying the public mails, establishing depots for coal, erecting the necessary machine and work shops for repairing and refitting the steam vessels, and all other favors enjoyed by any other association or company whatsoever of the same character. It is furthermore understood between the two high contracting parties, that the steam vessels of either shall not be subject, in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

## ARTICLE 9.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports, or dominions of the other with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity; giving to them all favor and protection for repairing their ships, and placing themselves in a situation to continue their voyage, without obstacles or hinderance of any kind. And the provisions of this article shall apply to privateers or private vessels

of war, as well as public, until the two high contracting parties may relinquish the right of that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

#### ARTICLE 10.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, or shall suffer any damage, in the seas, rivers, or channels within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise, and effects, without exacting for it any duty, impost, or contribution whatever.

#### ARTICLE 11.

All the ships, merchandise, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due form, their rights before the competent tribunals; it being well understood, that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of their respective Governments.

#### ARTICLE 12.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such duties only as the inhabitants of the country where such goods are, shall be subject to pay in like cases. And if in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance on account of their character of aliens, there shall be granted to them the longest period allowed by the law, to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

#### ARTICLE 13.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms which are usual and customary with the natives of the country; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the accusations and sentences of the tribunals, in all cases which may concern them; and likewise at the taking of all examinations and evidence which



may be exhibited on the said trials, in the manner established by the laws of the country. If the citizens of one of the contracting parties, in the territory of the other, engage in internal political questions, they shall be subject to the same measures of punishment and precaution as the citizens of the country where they reside.

#### ARTICLE 14.

The citizens of the two contracting parties shall enjoy the full liberty of conscience in the countries subject to the jurisdiction of the one or the other, without being disturbed or molested on account of their religious opinions, provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult, by the local authorities.

#### ARTICLE 15.

It shall be lawful for the citizens of the United States of America, and of the Republic of Bolivia, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port, to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties. It shall, likewise, be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from places and ports of those who are enemies of both, or either party, to the ports of the other, and to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of one power; or of several.

#### ARTICLE 16.

The two high contracting parties recognise as permanent and immutable the following principles, to wit:

1<sup>st</sup> That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture or confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2<sup>d</sup> That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship, with this effect, that, although, they may be enemies to both, or either party, they are not to be taken out of that ship, unless they are officers or soldiers, and in the actual service of the enemies. The contracting parties engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them as permanent and immutable.

#### ARTICLE 17.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war; and under this name shall be comprehended:

1<sup>st</sup> Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabers, lances, spears,

halbreds and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2<sup>d</sup> Bucklers, helmets, breastplates, coats of mail, infantry-belts, and clothes made up in the form and for a military use.

3<sup>d</sup> Cavalry-belts, and horses with their furniture.

4<sup>th</sup> And, generally, all kinds of arms offensive and defensive, and instruments of iron, steel, brass, and copper, or any other materials, manufactured, prepared, and formed expressly to make war by sea or land.

#### ARTICLE 18.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties, even to places belonging to an enemy; excepting, only, those places which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared, that those places or ports only are besieged or blockaded, which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

#### ARTICLE 19.

The articles of contraband before enumerated and classified, which may be found in a vessel bound to an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, or of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this, as well as all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

#### ARTICLE 20.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from any officer commanding a vessel of the blockading forces, they shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

#### ARTICLE 21.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties, on the



high seas, they mutually agree, that, whenever a vessel of war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible, with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed, that the neutral party shall, in no case, be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

#### ARTICLE 22.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they agree, that, in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters, or passports, expressing the name, property, and bulk of the ships, as also the name and place of habitation of the master and commander of said vessel, in order that it may thereby appear that said ship truly belongs to the citizens of one of the parties; they likewise agree, that such ships being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without such requisites, said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall prove to be owing to accident, and supplied by testimony entirely equivalent.

#### ARTICLE 23.

It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy, and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

#### ARTICLE 24

It is further agreed, that, in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such tribunals, of either party, shall pronounce judgment against any vessel, or goods, or property, claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

## ARTICLE 25.

No citizen of the Republic of Bolivia shall take any commission, or letters of marque, for arming any ship or ships to act as privateers against the said United States or any of them, or against the citizens, people or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the United States, or any of them, take any commission, or letters of marque, for arming any ship or ships to act as privateers against the citizens of the Republic of Bolivia, or any of them, or the property of any of them, from any Prince or State with which the said Republic of Bolivia shall be at war; and if any person of either nation shall take such commissions, or letters of marque, he shall be punished according to their respective laws.

## ARTICLE 26.

In accordance with fixed principles of international law, Bolivia regards the rivers Amazon and La Plata, with their tributaries, as high ways, or channels opened by nature for the commerce of all nations. In virtue of which, and desirous of promoting an exchange of productions through these channels, she will permit and invites, commercial vessels, of all descriptions, of the United States, and of all other nations of the world, to navigate freely in any part of their courses which pertain to her, ascending those rivers to Bolivian ports, and descending therefrom to the ocean, subject only to the conditions established by this treaty, and to regulations sanctioned, or which may be sanctioned, by the national authorities of Bolivia not inconsistent with the stipulations thereof.

## ARTICLE 27.

The owners or commanders of vessels of the United States entering the Bolivian tributaries of the Amazon or La Plata shall have the right to put up or construct, in whole or in part, vessels adapted to shoal-river navigation, and to transfer their cargoes to them without the payment of additional duties; and they shall not pay duties of any description for sections or pieces of vessels, nor for the machinery or materials, which they may introduce for use in the construction of said vessels.

All places accessible to these, or other vessels of the United States, upon the said Bolivian tributaries of the Amazon or La Plata, shall be considered as ports open to foreign commerce, and subject to the provisions of this treaty, under such regulations as the Government may deem necessary to establish for the collection of custom-house, port, light house, police and pilot duties. And such vessels may discharge and receive freight or cargo, being effects of the country or foreign, at any one of said ports, notwithstanding the provisions of Article 3.

## ARTICLE 28.

If, by any fatality, which cannot be expected and which God forbid, the two contracting parties should be engaged in a war with each other, they agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts, and in the ports

of each other, and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects, wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories of the United States and the Republic of Bolivia, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

#### ARTICLE 29.

Neither the debts due from the individuals of one nation to the individuals of the other, nor shares, nor moneys which they may have in the public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

#### ARTICLE 30.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, agree, to grant to the envoys, ministers, and other public agents, the same favors, immunities and exemptions, which those of the most favored nation do, or may enjoy; it being understood that whatever favors, immunities, or privileges, the United States of America or the Republic of Bolivia may find it proper to give to the Ministers and other public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

#### ARTICLE 31.

To make effectual the protection which the United States and the Republic of Bolivia shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such consuls and vice-consuls may not seem convenient.

#### ARTICLE 32.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, immunities, and prerogatives which belong to them by their public character, they shall, before entering upon their functions, exhibit their commission or patent in due form to the Government to which they are accredited, and having obtained their *exequatur*, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

#### ARTICLE 33.

It is also agreed that the consuls, and officers and persons attached to the consulate, they not being citizens of the country in which the consul resides, shall be exempted from all kinds of imposts and

contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject, being, in everything besides, subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

#### ARTICLE 34.

The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and, for that purpose, they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing; proving by an exhibition of the registers of the vessels or ships roll, or other public documents, that those men were part of the said crews, and on this demand, so proved, (saving, however, when the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

#### ARTICLE 35.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties agree, as soon hereafter as circumstances will permit them, to form a consular convention which shall declare especially the powers and immunities of the consuls and vice-consuls of the respective parties.

#### ARTICLE 36.

The United States of America and the Republic of Bolivia, desiring to make as durable as circumstances will permit the relations which are established between the two parties by virtue of this treaty of peace, amity, commerce and navigation, declare solemnly, and agree to the following points:

1<sup>st</sup> The present treaty shall remain in full force and virtue for the term of ten years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years; and it is agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all its parts relative to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be *perpetual and permanently* binding on both powers.

2<sup>d</sup> If one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between

the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

3<sup>d</sup> If, (what indeed cannot be expected) unfortunately; any of the articles contained in the present treaty shall be violated or infringed in any other mode whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have first presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4<sup>th</sup> Nothing in this treaty shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns and States.

The present treaty of peace, amity, commerce, and navigation, shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Bolivia, with the approbation of the national Congress; and the ratifications shall be exchanged in the capital of the Republic of Bolivia within eight months, to be counted from the date of the ratification by both Governments.

In faith whereof, we, the Plenipotentiaries of the United States of America and of the Republic of Bolivia, have signed and sealed these presents.

Done in La Paz, on the thirteenth (13<sup>th</sup>) day of May, in the year of our Lord one thousand eight hundred and fifty eight (A. D. 1858).

[SEAL.]  
[SEAL.]

JOHN W. DANA  
LUCAS M. DE LA TAPIA.

## BOLIVIA AND PERU.

(SEE PERU-BOLIVIA, PAGE 508.)

# BORNEO.

1850.

## CONVENTION OF AMITY, COMMERCE, AND NAVIGATION.

*Concluded June 23, 1850; ratification advised and time for exchange of ratifications extended by the Senate June 23, 1852; ratified by the President January 31, 1853; ratifications exchanged July 11, 1853; proclaimed July 12, 1854. (Treaties and Conventions 1889, p. 102.)*

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| I. Amity.                                  | VI. No export duty on products of Borneo.        |
| II. Liberty of commerce.                   | VII. Supplies for American ships of war.         |
| III. Protection to United States citizens. | VIII. Shipwrecks.                                |
| IV. Freedom of imports and exports.        | IX. Extraterritoriality in Borneo: ratification. |
| V. Tonnage on American ships; exemptions.  |  |

His Highness Omar Ali Saifeddin ebn Marhoum Sultan Mahomed Jamalel Alam and Pañgiran Anak Mumin to whom belong the Government of the Country of Bruni and all its provinces and dependencies, for themselves and their descendants on the one part, and the United States of America, on the other, have agreed to cement the friendship which has long and happily existed between them, by a Convention containing the following Articles.

### ARTICLE 1

Peace, friendship, and good understanding shall from henceforward and forever subsist between the United States of America and His Highness Omar Ali Saifeddin, Sultan of Borneo and their respective successors and Citizens and Subjects.

### ARTICLE 2

The Citizens of the United States of America shall have full liberty to enter into, reside in, trade with, and pass with their merchandise through all parts of the dominions of His Highness the Sultan of Borneo, and they shall enjoy therein all the privileges and advantages with respect to commerce, or otherwise, which are now or which may hereafter be granted to the Citizens or Subjects of the most favored nation: and the subjects of His Highness the Sultan of Borneo, shall in like manner be at liberty to enter into, reside in, trade with, and pass through with their merchandise through all parts of the United States of America, as freely as the citizens and subjects of the most favored nation, and they shall enjoy in the United States of America all the privileges and advantages with respect to commerce, or otherwise, which are now or which may hereafter be granted therein to the Citizens or Subjects of the most favored nation.



## ARTICLE III

Citizens of the United States shall be permitted to purchase rent or occupy, or in any other legal way to acquire all kinds of property within the Dominions of His Highness the Sultan of Borneo: and His Highness engages that such citizens of the United States of America shall, as far as lies in his power, within his dominions enjoy full and complete protection and security for themselves and for any property which they may so acquire in future, or which they may have acquired already before the date of the present convention

## ARTICLE IV

No Article whatever shall be prohibited from being imported into or exported from the territories of His Highness the Sultan of Borneo; but the trade between the United States of America and the dominions of His Highness the Sultan of Borneo, shall be perfectly free and shall be subject only to the custom duties which may hereafter be in force in regard to such trade

## ARTICLE V

No duty exceeding one dollar per registered ton shall be levied on American vessels entering the ports of His Highness the Sultan of Borneo and this fixed duty of one dollar per ton to be levied on all American vessels shall be in lieu of all other charges or duties whatsoever. His Highness moreover engages that American trade and American goods shall be exempt from any internal duties and also from any injurious regulations which may hereafter, from whatever causes, be adopted in the dominions of the Sultan of Borneo

## ARTICLE VI

His Highness the Sultan of Borneo agrees that no duty whatever shall be levied on the exportation from His Highness dominions of any article, the growth, produce, or manufacture of those dominions.

## ARTICLE VII

His Highness the Sultan of Borneo engages to permit the Ships of War of the United States of America freely to enter the Ports, rivers and creeks, situate within his dominions and to allow such ships to provide themselves at a fair and moderate price, with such supplies, stores and provisions as they may from time to time stand in need of.

## ARTICLE VIII

If any vessel under the American flag should be wrecked on the coast of the dominions of His Highness the Sultan of Borneo, His Highness engages to give all the assistance in his power to recover for, and to deliver over to, the owners thereof, all the property that can be saved from such vessels. His Highness further engages to extend to the officers and crew and to all other persons on board of such wrecked vessels, full protection both as to their persons and as to their property



## ARTICLE IX

His Highness the Sultan of Borneo, agrees that in all cases where a citizen of the United States shall be accused of any crime committed in any part of His Highness' dominions the person so accused shall be exclusively tried and adjudged by the American Consul, or other officer duly appointed for that purpose, and in all cases where disputes or differences may arise between American Citizens, or between American Citizens and the subjects of His Highness or between American Citizens and the Citizens or subjects of any other foreign power, in the dominions of the Sultan of Borneo, the American Consul or other duly appointed officer shall have power to hear and decide the same without any interference, molestation or hindrance, on the part of any authority of Borneo, either before during or after the litigation.

This Treaty shall be ratified and the ratifications thereof shall be exchanged at Bruni at any time prior to the fourth day of July in the year, eighteen hundred and fifty four.

Done at the city of Bruni, on this twenty third day of June, Anno Domini one thousand eight hundred and fifty and on the thirteenth day of the month Saaban of the year of the Hegira one thousand two hundred and sixty six.

[SEAL.]  
[SEAL.]

JOSEPH BALESTIER,  
OMAR ALI SAIFEDDIN.

# BRAZIL.

1828.

## TREATY OF AMITY, COMMERCE, AND NAVIGATION.

*Concluded December 12, 1828; ratification advised by the Senate March 10, 1829; ratified by the President March 10, 1829; ratifications exchanged March 18, 1829; proclaimed March 18, 1829. (Treaties and Conventions, 1889, p. 105.)*

(By a notice given from the Emperor of Brazil this treaty, "only for articles relating to commerce and navigation," was terminated December 12, 1841.)

### ARTICLES.

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|--|---|
| I. Amity.  | XVIII. Seizure of contraband articles.        |
| II. Favored nation clause.                               | XIX. Blockades.                               |
| III. Freedom of commerce and navigation; coasting trade. | XX. Visitation and search.                    |
| IV. No discrimination on vessels.                        | XXI. Ship's papers in case of war.            |
| V. Import and export duties.                             | XXII. Vessels under convoy.                   |
| VI. Freedom of trade.                                    | XXIII. Prize courts.                          |
| VII. Embargoes.  | XXIV. Letters of marque forbidden.            |
| VIII. Asylum in ports.                                   | XXV. Protection in case of war.               |
| IX. Captures by pirates.                                 | XXVI. Confiscation forbidden.                 |
| X. Shipwrecks.   | XXVII. Diplomatic officers.                   |
| XI. Disposal of property.                                | XXVIII. Consular officers.                    |
| XII. Special protection.                                 | XXIX. Exequaturs.                             |
| XIII. Religious freedom.                                 | XXX. Consular exemptions.                     |
| XIV. Rights of neutrals.                                 | XXXI. Deserters from ships.                   |
| XV. Neutral property under enemies' flag.                | XXXII. Consular convention.                   |
| XVI. Contraband of war.                                  | XXXIII. Duration; effect, etc.; ratification. |
| XVII. Trade with nonblockaded ports.                     |   |

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the Emperor of Brazil, desiring to establish a firm and permanent peace and friendship between both Nations, have resolved to fix, in a manner, clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a Treaty or general Convention of Peace, Friendship Commerce and Navigation.

For this most desirable object the President of the United States has conferred full powers on William Tudor their Chargé d'Affaires at the Court of Brazil: and His Majesty the Emperor of Brazil on the Most Illustrious and Most Excellent Marquez of Aracaty, a Member of His Council, Gentleman of the Imperial Bed Chamber, Councilor of the Treasury, Grand Cross of the Order of Aviz, Senator of the Empire, Minister and Secretary of State for Foreign Affairs and Miguel de Souza Mello e Alvim, a Member of His Council, Commander of the Order of Aviz, Knight of the Imperial Order of the Cross,

Chief of Division in the Imperial and National Navy, Minister and Secretary of State for the Marine, who after having exchanged their said full powers, in due and proper form, have agreed to the following articles.

ART. 1<sup>st</sup>.

There shall be a perfect, firm and inviolable Peace and Friendship between the United States of America and their citizens, and His Imperial Majesty, his successors, and subjects throughout their possessions and territories respectively, without distinction of persons or places.

ART. 2<sup>d</sup>.

The United States of America and His Majesty the Emperor of Brazil desiring to live in peace and harmony with all the other Nations of the Earth, by means of a policy frank and equally friendly with all, engage mutually, not to grant any particular favor to other nations in respect of commerce and navigation, which shall not immediately become common to the other party who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation if the concession was conditional. It is understood however that the relations and Conventions which now exist, or may hereafter exist between Brazil and Portugal shall form an exception to this article.

ART. 3.

The two high contracting parties being likewise desirous of placing the commerce and Navigation of their respective countries on the liberal basis of perfect equality and reciprocity mutually agree, that the citizens and subjects of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce manufactures and merchandise: and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens or subjects do, or shall enjoy, submitting themselves, to the laws, decrees and usages, there established, to which native citizens or subjects are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

ART. 4<sup>th</sup>.

They likewise agree that whatever kind of produce, manufactures, or merchandise, of any foreign country can be, from time to time, lawfully imported into the United States, in their own vessels, may be also imported in vessels of Brazil: and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected whether the importation be made in the vessels of the one country or the other. And in like manner, that whatever kind of produce manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the Empire of Brazil, in its own vessels, may be also imported in vessels of the United States: and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied or collected whether the importation be made in vessels of the one country, or the other. And they

agree that whatever may be lawfully exported, or re-exported from the one country in its own vessels, to any foreign country, may in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks, shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States, or of the Empire of Brazil. The Government of the United States however considering the present state of the navigation of Brazil, agrees that a vessel shall be considered as Brazilian, when the Proprietor and Captain are subjects of Brazil and the papers are in legal form.

ART. 5<sup>th</sup>.

No higher or other duties shall be imposed on the importation into the United States, of any articles the produce or manufactures of the Empire of Brazil, and no higher or other duties shall be imposed on the importation into the Empire of Brazil, of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or manufactures of any other foreign country: nor shall any higher or other duties, or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to the Empire of Brazil, respectively, than such as are payable on the exportation of the like article to any other foreign country: nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States, or of the Empire of Brazil, to or from the territories of the United States, or to or from the territories of the Empire of Brazil, which shall not equally extend to all other Nations.

ART. 6<sup>th</sup>.

It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens or subjects of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other as well with respect to the consignment and sale of their goods and merchandise by wholesale or retail as with respect to the loading, unloading and sending off their ships: they being in all these cases to be treated as citizens or subjects of the country in which they reside, or at least to be placed on a footing with the subjects or citizens of the most favored nation.

ART. 7<sup>th</sup>.

The citizens and subjects of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, or merchandise or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ART. 8<sup>th</sup>.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports or dominions of the other, with their vessels, whether of merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving

to them all favor and protection, for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ART. 9<sup>th</sup>.

All the Ships, merchandise and effects belonging to the citizens or subjects, of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried, or found in the rivers, roads, ports, bays, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals: it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

ART. 10<sup>th</sup>.

When any vessel belonging to the citizens or subjects of either of the contracting parties, shall be wrecked, foundered, or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation, where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost or contribution whatever, until they may be exported, unless they be destined for consumption.

ART. 11<sup>th</sup>.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to the said personal goods whether by testament, or *ab intestato*, and they may take possession thereof, either by themselves, or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are shall be subject to pay in like cases: and if in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years, to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

ART. 12<sup>th</sup>.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations who may be in their territories, subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial intercourse, on the same terms which are usual and customary with the natives or citizens and subjects of the country in which they may be for which they may employ in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their trials at law.

ART. 13<sup>th</sup>.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens or subjects of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief so long as they respect the laws and established usages of the country. Moreover the bodies of the citizens and subjects of one of the contracting parties who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ART. 14<sup>th</sup>.

It shall be lawful for the citizens and subjects of the United States of America and of the Empire of Brazil, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or who hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens and subjects aforesaid, to sail with the ships and merchandises before mentioned and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of either party, without any opposition, or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy whether they be under the jurisdiction of one power, or under several. And it is hereby stipulated, that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens or subjects of either of the contracting parties, although the whole lading, or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship unless they are officers or soldiers and in the actual service of the enemies: Provided however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle and not of others.

ART. 15<sup>th</sup>.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties, shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood, that the neutral property found on board such enemy's vessels, shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board, such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it;



but the contracting parties agree that four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral, does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked in such enemy's ship shall be free.

ART. 16<sup>th</sup>.

This liberty of commerce and navigation shall extend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband, and under this name of contraband or prohibited goods, shall be comprehended—

1<sup>st</sup>. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls and all other things belonging to the use of these arms:

2<sup>d</sup>. Bucklers, helmets, breast plates, coats of mail, infantry belts, and clothes made up in the form and for a military use:

3<sup>d</sup>. Cavalry belts, and horses with their furniture;

4<sup>th</sup>. And generally all kinds of arms and instruments of iron, steel, brass and copper, or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

ART. 17<sup>th</sup>.

All other merchandise and things not comprehended in the articles of contraband, expressly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded: and, to avoid all doubt in this particular, it is declared that those places are only besieged or blockaded which are actually attacked by a force capable of preventing the entry of the neutral.

ART. 18<sup>th</sup>.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the Ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas, on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience: but in this and all the other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

ART. 19<sup>th</sup>.

And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced, may be turned away from such port or place, but shall



not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place, she shall think proper. Nor shall any vessel of either that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor if found therein, after the reduction and surrender shall such vessel or her cargo, be liable to confiscation, but they shall be restored to the owners thereof. And if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded and discharge the said cargo, and if after receiving the said warning the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port after being warned off by the blockading forces

ART. 20<sup>th</sup>.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit under the circumstances of the sea and wind and the degree of suspicion attending the vessel to be visited and shall send its smallest boat, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

ART. 21<sup>st</sup>.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens and subjects of the two contracting parties, they have agreed and do agree, that in case one of them shall be engaged in war, the ships and vessels belonging to the citizens or subjects of the other must be furnished with sea letters or passports, expressing the name, property and bulk of the ship as also the name and place of habitation of the Master or Commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens or subjects of one of the parties; they have likewise agreed that such ships being laden, besides the said sea letters or passports, shall also be provided with certificates, containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence

the ship sailed, in the accustomed form; without such requisites said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

ART. 22<sup>d</sup>.

It is further agreed that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply only to those which sail without convoy: and when said vessel shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries; and when they are bound to an enemy's port that they have no contraband goods on board, shall be sufficient.

ART. 23.

It is further agreed, that in all cases the established courts for prize causes, in the countries to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens or subjects of the other party, the sentence or decree shall mention the reasons or motives, on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall if demanded, be delivered to the commander or agent of said vessel, without any delay he paying the legal fees for the same.

ART. 24<sup>th</sup>.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen or subject of the other contracting party, shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

ART. 25<sup>th</sup>.

If by any fatality, which cannot be expected, and which God forbid! the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other and the term of one year to those who dwell in the interior, to arrange their business, and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens and subjects of all other occupations, who may be established in the territories or dominions of the United States, and of the Empire of Brazil, shall be respected and maintained in the full enjoyment of their personal liberty and property unless their particular conduct shall cause them to forfeit this protection, which in consideration of humanity, the contracting parties engage to give them.

ART. 26<sup>th</sup>.

Neither the debts due from the individuals of the one nation, to the individuals of the other, nor shares nor money which they may have in public funds, nor in public or private banks, shall ever in any event of war or national difference be sequestered or confiscated.

ART. 27<sup>th</sup>.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed and do agree, to grant to their envoys, Ministers and other public Agents, the same favors, immunities and exemptions which those of the most favored nation do or shall enjoy: it being understood that whatever favors, immunities, or privileges, the United States of America, or the Empire of Brazil may find it proper to give the Ministers and Public Agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ART. 28<sup>th</sup>.

To make more effectual the protection which the United States and the Empire of Brazil shall afford in future to the navigation and commerce of the citizens and subjects of each other, they agree to receive and admit Consuls and Vice Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the Consuls and Vice Consuls of the most favored nation: each contracting party however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ART. 29<sup>th</sup>.

In order that the Consuls and Vice-Consuls of the two contracting parties, may enjoy the rights, prerogatives, and immunities, which belong to them, by their public character, they shall before entering on the exercise of their functions, exhibit their commissions or patent in due form, to the government to which they are accredited: and having obtained their *exequatur*, they shall be held and considered as enjoying all the authorities magistrates, and inhabitants in the Consulate in which they reside.

ART 30<sup>th</sup>.

Consuls, their secretaries, officers and  
 Consuls, they not being citizens or  
 Consul resides, shall be exempt  
 of taxes, imposts and  
 obliged to pay on  
 Consuls or subjects  
 which they  
 laws of

ART. 31<sup>st</sup>.

The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the Courts, Judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ships roll, or other public documents, that those men were part of said crews; and on this demand so proved, (saving however, where the contrary is proved) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prison, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause.

## ART. 32.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter, as circumstances will permit them, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice Consuls of the respective parties.

ART. 33<sup>d</sup>.

The United States of America, and the Emperor of Brazil, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties by virtue of this Treaty, or General Convention of Peace, Amity, Commerce and Navigation, have declared solemnly and do agree to the following points:

*First.* The present Treaty shall be in force for twelve years from the date hereof. and further until the end of one year after either of the contracting parties shall have given notice to the other, of its intention to terminate the same: each of the contracting parties reserving to itself, the right of giving such notice to the other, at the end of said term of twelve years: and it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either from the other party, this treaty, in all the parts relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers.

*Secondly.* If any one or more of the citizens or subjects of either party shall infringe any of the articles of this Treaty, such citizen or subject shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby: each party engaging in no way to protect the offender, or sanction such violation.

*Thirdly.* If (which indeed cannot be expected) unfortunately, any of the articles contained in the present Treaty shall be violated or infringed in any way whatever, it is expressly stipulated, that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages until the said party considering itself offended, shall first have

presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

*Fourthly.* Nothing in this Treaty contained shall however, be construed, to operate contrary to former and existing public Treaties with other Sovereigns or States.

The present Treaty of Peace, Amity, Commerce and Navigation shall be approved and ratified by the President of the United States by and with the advice and consent of the Senate thereof and by the Emperor of Brazil, and the ratifications shall be exchanged within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of His Majesty the Emperor of Brazil have signed and sealed these presents.

Done in the City of Rio de Janeiro this twelfth day of the month of December in the year of our Lord Jesus Christ one thousand eight hundred and twenty eight.

[SEAL.]  
[SEAL.]  
[SEAL.]

W. TUDOR.  
MARQUEZ DE ARACATY  
MIGUEL DE SOUZA MELLO E ALVIM

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1849.

#### CONVENTION FOR SATISFACTION OF CLAIMS OF CITIZENS OF THE UNITED STATES ON BRAZIL.

*Concluded January 27, 1849; ratification advised by the Senate January 14, 1849; ratified by the President January 18, 1850; ratifications exchanged January 18, 1850; proclaimed January 19, 1850. (Treaties and Conventions, 1889, p. 115.)*

By this convention of six articles, 530,000 milreis were paid by Brazil in satisfaction of claims made by United States citizens, and the amount was distributed by the United States.

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1878.

#### DIPLOMATIC AGREEMENT CONCERNING TRADE-MARKS.

*Concluded September 24, 1878; ratification advised by the Senate January 20, 1879; ratified by the President February 5, 1879; proclaimed June 17, 1879. (Treaties and Conventions, 1889, p. 118.)*

The Government of the United States of America and the Government of His Majesty the Emperor of Brazil, with a view to the reciprocal protection of the marks of manufacture and trade in the two countries, have agreed as follows:

The citizens or subjects of the two High Contracting Parties shall have in the dominions and possessions of the other, the same rights

as belong to native citizens or subjects, in everything relating to property in marks of manufacture and trade.

It is understood that any person who desires to obtain the aforesaid protection must fulfill the formalities required by the laws of the respective countries.

In witness whereof the undersigned duly authorized to this end, have signed the present agreement and have affixed thereto the seals of their arms.

Done in duplicate at Rio de Janeiro the twenty fourth day of the month of september, one thousand eight hundred and seventy eight.

[SEAL.]  
[SEAL.]

HENRY WASHINGTON HILLIARD.  
B. DE VILLA BELLA.

## BREMEN.

(See GERMAN EMPIRE.)

The Free Hanseatic City of Bremen (now incorporated in the German Empire), September 6, 1853, acceded to the extradition convention between the United States and Prussia of June 16, 1852. (Treaties and Conventions, 1889, p. 118.) See p. 520.)

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## BRUNSWICK AND LÜNEBURG.<sup>1</sup>

(See GERMAN EMPIRE.)

1854.

### CONVENTION RESPECTING THE DISPOSITION OF PROPERTY.

*Concluded August 21, 1854; ratification advised by the Senate with amendment March 3, 1855; ratified by the President July 10, 1855; ratifications exchanged July 28, 1855; proclaimed July 30, 1855.* (Treaties and Conventions, 1889, p. 119.)

#### ARTICLES.

- |                                      |                              |
|--------------------------------------|------------------------------|
| I. Disposition of personal property. | III. Duration; ratification. |
| II. Disposition of real estate.      |                              |

The President of the United States of America and His Highness the Duke of Brunswick & Luneburg, animated by the desire to secure and extend, by an amicable convention, the relations happily existing between the two countries, have, to this effect, appointed as their plenipotentiaries, to wit: the President of the United States of America, William L. Marcy, Secretary of State of the United States; and His Highness the Duke of Brunswick and Luneburg, Dr. Julius Samson, His said Highness' Consul at Mobile, Alabama; who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

#### ARTICLE I.

The citizens of each one of the high contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, subject to the laws of the State or country, where the domicil is, or the property is found, either by testament, donation, or *ab*

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<sup>1</sup> The Duchy of Brunswick and Lüneburg became a member of the North German Union July 1, 1867, and is now incorporated in the German Empire.



*intestato*, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or *ab intestato*, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and, in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken in the like case, for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute should arise between claimants to the same succession, as to the property thereof, the question shall be decided according to the laws, and by the judges, of the country in which the property is situated.

## ARTICLE II.

If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country, or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, such term as the laws of the State or country will permit shall be allowed to him to dispose of such property, and collect and withdraw the proceeds thereof, without paying to the Government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which such real property may be situated.

## ARTICLE III.

The present convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the Government of the United States on the one part, or that of His Highness the Duke of Brunswick and Luneburg on the other, shall have given notice of its intention of terminating the same.

This convention shall be ratified, and the ratifications shall be exchanged at Washington within twelve months after its date, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at Washington, this twenty-first day of August in the year of Our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

W. L. MARCY  
[SEAL.]  
JULIUS SAMSON  
[SEAL.]

# CENTRAL AMERICA.

1825.

## CONVENTION OF PEACE, AMITY, COMMERCE AND NAVIGATION.

*Concluded December 5, 1825; ratification advised by the Senate December 29, 1825; ratified by the President January 16, 1826; ratifications exchanged August 2, 1826; proclaimed October 28, 1826. (Treaties and Conventions, 1889, p. 121.)*

This treaty, consisting of thirty-three articles, terminated as to articles relating to commerce and navigation, August 2, 1838, by their own limitations, and the entire treaty was abrogated by the dissolution of the Republic in 1839.

## CHILE.

1832.

### CONVENTION OF PEACE, AMITY, COMMERCE, AND NAVIGATION.

*Concluded May 16, 1832; ratification advised by the Senate December 19, 1832; ratified by the President April 26, 1834; ratifications exchanged April 29, 1834; proclaimed April 29, 1834. (Treaties and Conventions, 1889, p. 131.)*

This treaty, containing thirty-one articles relating to commerce and navigation, consular and diplomatic privileges, etc., remained in force until January 20, 1850, when it was terminated on notice given by the Chilean Government.

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Federal case: U. S. v. Trumbull, 48 Fed. Rep. 94.

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1833.

### CONVENTION ADDITIONAL TO THE GENERAL TREATY OF 1832.

*Concluded September 1, 1833; ratification advised by the Senate April 24, 1834; ratified by the President April 26, 1834; ratifications exchanged April 29, 1834; proclaimed April 29, 1834. (Treaties and Conventions, 1889, p. 140.)*

This convention of four articles extended the time for the exchange of ratifications of the convention of 1832, and was explanatory of certain articles. It was terminated January 20, 1850, on notice given by the Chilean Government.

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1858.

### CONVENTION FOR ARBITRATION OF MACEDONIAN CLAIMS.

*Concluded November 10, 1858; ratification advised by the Senate March 8, 1859; ratified by the President August 4, 1859; ratifications exchanged October 15, 1859; proclaimed December 22, 1859. (Treaties and Conventions, 1889, p. 142.)*

The claims of the owners of the property referred to in the treaty were submitted to the arbitration of the King of Belgium, who, on May 15, 1863, rendered an award in favor of the United States, allowing \$42,400 with interest.

engaged in the purchase or sale of goods of import or export, are admitted to trade with any and all subjects of China without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions.

- XVI. Collection of debts. (See Art. XXIV, p. 103.)
- XVII. Privileges of open ports. (See Art. XII, p. 99.)
- XVIII. Chinese teachers, etc. (See Art. XXV, p. 103.)
- XIX. Protection to United States citizens. (See Art. XI, p. 98.)
- XX. Reexportation. (See Art. XXI, p. 102.)
- XXI. Punishment for crimes. (See Art. XI, p. 98.)
- XXII. Trade with China in case of war. (See Art. XXVI, p. 104.)

#### ARTICLE XXIII. Reports by consuls.

The Consuls of the United States at each of the five ports open to foreign trade shall make annually to the respective Governors General thereof a detailed report of the number of vessels belonging to the United States which have entered and left said ports during the year; and of the amount and value of goods imported or exported in said vessels for transmission to and inspection of the board of Revenue.

- XXIV. Communications with officials. (See Art. XXVIII, p. 104.)
- XXV. Rights of United States citizens. (See Art. XXVII, p. 104.)
- XXVI. Merchant vessels in Chinese waters. (See Art. XIII, p. 99.)
- XXVII. Shipwrecks, etc. (See Art. XIII, p. 99.)

#### ARTICLE XXVIII. Embargo.

Citizens of the United States their vessels and property shall not be subject to any embargo; nor shall they be seized and forcibly detained for any pretence of the public service; but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment.

- XXIX. Control over seamen. (See Art. XVIII, p. 102.)
- XXX. Official correspondence. (See Art. VII, p. 97.)
- XXXI. Communications. (See Art. VIII, p. 88.)
- XXXII. Naval vessels in Chinese waters. (See Art. IX, p. 98.)
- XXXIII. Clandestine trade. (See Art. XIV, p. 100.)

#### ARTICLE XXXIV. Duration; ratification.

When the present convention shall have been definitively concluded, it shall be obligatory on both powers, and its provisions shall not be altered without grave cause; but, inasmuch as the circumstances of the several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation; in which case the two Governments will, at the expiration of twelve years from the date of said convention, treat amicably concerning the same, by the means of suitable persons appointed to conduct such negotiations.

And when ratified, the treaty shall be faithfully observed in all its

parts by the United States and China, and by every citizen and subject of each. And no individual State of the United States can appoint or send a Minister to China to call in question the provisions of the same.

The present Treaty of peace, amity, and commerce shall be ratified and approved by the President of the United States by and with the advice and consent of the Senate thereof, and by the August Sovereign of the Ta Tsing Empire, and the ratifications shall be exchanged within eighteen months from the date of the signature thereof or sooner if possible.

In faith whereof, we, the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire as aforesaid, have signed and sealed these Presents.

Done at Wang Hiya, this third day of July in the year of our Lord Jesus Christ, One thousand Eight hundred and forty four, and of Taou Kwang the twenty fourth year, fifth month and eighteenth day.

[SEAL.]

C. CUSHING

TSIYENG, (*in Manchu language.*)

[SEAL.]

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*The Tariff of Duties to be levied on imported and exported Merchandise at the Five Ports.*

(See Convention of November 8, 1858, p. 107.)

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1858.

TREATY OF PEACE, AMITY, AND COMMERCE.<sup>1</sup>

*Concluded June 18, 1858; ratification advised by the Senate December 15, 1858; ratified by the President December 21, 1858; ratifications exchanged August 16, 1859; proclaimed January 26, 1860. (Treaties and Conventions, 1889, p. 159.)*

ARTICLES.

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|--|--|
| I. Declaration of amity.                       | XVII. Pilots, etc.   |
| II. Deposit of treaty.                         | XVIII. Control of ships, etc.  |
| III. Promulgation.                             | XIX. Ships' papers, etc.   |
| IV. Diplomatic privileges.                     | XX. Customs examinations.  |
| V. Visit of minister to Capital.               | XXI. Reexportation.  |
| VI. Residence of minister at the Capital.      | XXII. Payment of duties.   |
| VII. Correspondence.                           | XXIII. Transshipment of goods.   |
| VIII. Personal interviews.                     | XXIV. Collection of debts.   |
| IX. Naval vessels in Chinese waters.           | XXV. Chinese teachers, etc.  |
| X. Consuls authorized.                         | XXVI. Trade with China in case of war.                                       |
| XI. United States citizens in China.           | XXVII. Rights of United States citizens.                                     |
| XII. Privileges in open ports.                 | XXVIII. Communications with officers.  |
| XIII. Shipwrecks: pirates.                     | XXIX. Freedom of religion.   |
| XIV. Open ports: clandestine trade prohibited. | XXX. Most favored nation privileges to United States citizens; ratification. |
| XV. Commerce permitted: tariff.                |  |
| XVI. Tonnage duties.                           |  |

The United States of America and the Ta Tsing Empire, desiring to maintain firm, lasting, and sincere friendship, have resolved to

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<sup>1</sup> See Treaty of July 4, 1868, p. 115.

renew, in a manner clear and positive, by means of a Treaty or general convention of peace, amity and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries; for which most desirable object, the President of the United States and the August Sovereign of the Ta Tsing Empire have named for their Plenipotentiaries to wit: The President of the United States of America, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary to China and His Majesty the Emperor of China, Kweiliang, a member of the Privy Council and Superintendent of the Board of Punishments; and Hwashana, President of the Board of Civil Office and Major General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them being Imperial Commissioners and Plenipotentiaries: And the said Ministers, in virtue of the respective full powers they have received from their Governments, have agreed upon the following articles.

#### ARTICLE I.

There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people respectively. They shall not insult or oppress each other for any trifling cause so as to produce an estrangement between them, and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

#### ARTICLE II.

In order to perpetuate friendship, on the exchange of ratifications by the President, with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of China, this treaty shall be kept and sacredly guarded in this way: viz: The original treaty as ratified by the President of the United States, shall be deposited at Peking, the capital of His Majesty the Emperor of China in charge of the Privy Council; and as ratified by His Majesty the Emperor of China, shall be deposited at Washington, the capital of the United States, in charge of the Secretary of State.

#### ARTICLE III.

In order that the people of the two countries may know and obey the provisions of this treaty, the United States of America agree immediately on the exchange of ratifications to proclaim the same and to publish it by proclamation in the gazettes where the laws of the United States of America are published by authority and His Majesty the Emperor of China, on the exchange of ratifications, agrees immediately to direct the publication of the same at the capital and by the Governors of all the Provinces.

#### ARTICLE IV.

In order further to perpetuate friendship, the Minister or Commissioner or the highest diplomatic representative of the United States of America in China, shall at all times have the right to correspond on terms of perfect equality and confidence with the Officers

of the Privy Council at the capital, or with the Governors General of the Two Kwangs, the Provinces of Fuhkien and Chehkiang or of the Two Kiangs, and whenever he desires to have such correspondence with the Privy Council at the Capital he shall have the right to send it through either of the said Governors General or by the General Post, and all such communications shall be sent under seal which shall be most carefully respected. The Privy Council and Governors General, as the case may be, shall in all cases consider and acknowledge such communications promptly and respectfully.

#### ARTICLE V.

The Minister of the United States of America in China, whenever he has business, shall have the right to visit and sojourn at the capital of His Majesty the Emperor of China, and there confer with a member of the Privy Council, or any other high officer of equal rank deputed for that purpose, on matters of common interest and advantage. His visit shall not exceed one in each year, and he shall complete his business without unnecessary delay. He shall be allowed to go by land or come to the mouth of the Peiho, into which he shall not bring ships of war and he shall inform the authorities at that place in order that boats may be provided for him to go on his journey. He is not to take advantage of this stipulation to request visits to the capital on trivial occasions. Whenever he means to proceed to the capital he shall communicate in writing, his intention to the Board of Rites at the capital, and thereupon the said Board shall give the necessary directions to facilitate his journey and give him necessary protection and respect on his way. On his arrival at the capital, he shall be furnished with a suitable residence prepared for him and he shall defray his own expenses and his entire suite shall not exceed twenty persons, exclusive of his Chinese attendants, none of whom shall be engaged in trade.

#### ARTICLE VI.

If at any time His Majesty the Emperor of China shall by Treaty voluntarily made, or for any other reason, permit the Representative of any friendly nation to reside at his Capital for a long or short time, then without any further consultation or express permission, the Representative of the United States in China shall have the same privilege.

#### ARTICLE VII.

The superior authorities of the United States and of China in corresponding together, shall do so on terms of equality, and in form of mutual communication (*chau hwui*). The Consuls and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication (*chau-hwui*). When inferior officers of the one government address superior officers of the other, they shall do so in the style and form of memorial (*shin-chin*). Private individuals in addressing superior officers, shall employ the style of petition (*pin ching*). In no case shall any terms or style be used or suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever shall ever be demanded of the United States by China, or of China by the United States.



## ARTICLE VIII

In all future personal intercourse between the Representative of the United States of America and the Governors General or Governors the interviews shall be had at the official residence of the said officers or at their temporary residence or at the residence of the Representative of the United States of America, whichever may be agreed upon between them nor shall they make any pretext for declining these interviews. Current matters shall be discussed by correspondence so as not to give the trouble of a personal meeting.

## ARTICLE IX.

Whenever national vessels of the United States of America in cruising along the coast and among the ports opened for trade, for the protection of the commerce of their country, or for the advancement of science, shall arrive at or near any of the ports of China, Commanders of said ships and the superior local authorities of Government shall, if it be necessary, hold intercourse on terms of equality and courtesy in token of the friendly relations of their respective nations, and the said vessels shall enjoy all suitable facilities on the part of the Chinese Government in procuring provisions or other supplies and making necessary repairs. And the United States of America agree that in case of the shipwreck of any American vessel and its being pillaged by pirates or in case any American vessel shall be pillaged or captured by pirates on the seas adjacent to the coast, without being shipwrecked, the national vessels of the United States shall pursue the said pirates, and if captured deliver them over for trial and punishment.

## ARTICLE X.

The United States of America shall have the right to appoint Consuls and other commercial agents for the protection of trade to reside at such places in the dominions of China as shall be agreed to be opened, who shall hold official intercourse and correspondence with the local officers of the Chinese Government (a Consul or a Vice-Consul in charge taking rank with an intendant of circuit or a prefect) either personally or in writing as occasions may require, on terms of equality and reciprocal respect. And the Consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities they have the right to make representation of the same to the Superior Officers of the respective Governments who shall see that full inquiry and strict justice shall be had in the premises; and the said Consuls and agents shall carefully avoid all acts of offense to the officers and people of China. On the arrival of a Consul duly accredited at any port in China, it shall be the duty of the Minister of the United States to notify the same to the Governor General of the province where such port is, who shall forthwith recognize the said Consul and grant him authority to act.

## ARTICLE XI.

All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with the subjects of China, shall receive and enjoy for

themselves and everything appertaining to them the protection of the local authorities of government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the consul, shall immediately despatch a military force to disperse the rioters, apprehend the guilty individuals and punish them with the utmost rigor of the law. Subjects of China guilty of any criminal act towards citizens of the United States shall be punished by the Chinese authorities according to the laws of China. And citizens of the United States, either on shore or in any merchant vessel, who may insult, trouble or wound the persons or injure the property of Chinese or commit any other improper act in China, shall be punished only by the Consul or other public functionary thereto authorized according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

#### ARTICLE XII.

Citizens of the United States residing or sojourning at any of the ports open to foreign commerce shall be permitted to rent houses and places of business or hire sites on which they can themselves build houses or hospitals, churches and cemeteries. The parties interested can fix the rent by mutual and equitable agreement, the proprietors shall not demand an exorbitant price, nor shall the local authorities interfere unless there be some objections offered on the part of the inhabitants respecting the place. The legal fees to the officers for applying their seal shall be paid. The citizens of the United States shall not unreasonably insist on particular spots but each party shall conduct with justice and moderation. Any desecration of the cemeteries by natives of China shall be severely punished according to law. At the places where the ships of the United States anchor or their citizens reside, the merchants seamen or others can freely pass and repass in the immediate neighborhood, but in order to the preservation of the public peace, they shall not go into the country to the villages and marts to sell their goods unlawfully in fraud of the revenue.

#### ARTICLE XIII.

If any vessel of the United States be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, shall immediately adopt measures for its relief and security: the persons on board shall receive friendly treatment and be enabled to repair at once to the nearest port, and shall enjoy all facilities for obtaining supplies of provisions and water. If the merchant vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities civil and military, on receiving information thereof, shall arrest the said robbers or pirates, and punish them according to law, and shall cause all the property which can be recovered, to be restored to the owners or placed in the hands of the Consul. If by reason of the extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, the Chinese Government shall not make indemnity for the goods lost. But if it

shall be proved that the local authorities have been in collusion with the robbers, the same shall be communicated to the superior authorities for memorializing the Throne, and these officers shall be severely punished and their property be confiscated to repay the losses.

#### ARTICLE XIV.

The citizens of the United States are permitted to frequent the ports and cities of Canton and Chau-chau or Swatau, in the Province of Kwang-tung: Amoy, Fuh-chau, and Tai-wan in Formosa, in the Province of Fuh-Kien: Ningpo in the Province of Cheh-Kiang and Shanghai in the Province of Kiang-su, and any other port or place hereafter by treaty with other powers or with the United States opened to commerce, and to reside with their families and trade there: and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal or along the coasts thereof; and any vessel under the American flag violating this provision shall, with her cargo, be subject to confiscation to the Chinese Government; and any citizen of the United States who shall trade in any contraband article of merchandise, shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the Empire.

#### ARTICLE XV.

At each of the ports open to Commerce, citizens of the United States shall be permitted to import from abroad and sell, purchase, and export, all merchandise of which the importation or exportation is not prohibited by the laws of the Empire. The Tariff of duties to be paid by citizens of the United States on the export and import of goods from and into China shall be the same as was agreed upon at the treaty of Wanghia, except so far as it may be modified by treaties with other nations; it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nation.<sup>1</sup>

#### ARTICLE XVI.

Tonnage duties shall be paid on every merchant vessel belonging to the United States entering either of the open ports at the rate of four mace per ton of forty cubic feet, if she be over one hundred and fifty tons burden: and one mace per ton of forty cubic feet, if she be of the burden of one hundred and fifty tons or under, according to the tonnage specified in the register, which with her other papers, shall on her arrival, be lodged with the Consul, who shall report the same to the Commissioner of Customs.<sup>1</sup> And if any vessel having paid tonnage duty at one port shall go to any other port to complete the disposal of her cargo, or being in ballast to purchase an entire or fill up an incomplete cargo, the Consul shall report the same to the Commissioner of customs, who shall note on the port clearance that the tonnage duties have been paid and report the circumstances to the col-

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<sup>1</sup> See Article III, p. 121.

lectors at the other custom-houses, in which case the said vessel shall only pay duty on her cargo, and not be charged with tonnage duty a second time. The collectors of customs at the open ports shall consult with the consuls about the erection of beacons or light houses, and where buoys and light-ships should be placed.

#### ARTICLE XVII.

Citizens of the United States shall be allowed to engage pilots to take their vessels into port, and when the lawful duties have all been paid, take them out of port. It shall be lawful for them to hire at pleasure servants, compradores, linguists, writers, labourers, seamen and persons for whatever necessary service with passage or cargo boats for a reasonable compensation, to be agreed upon by the parties, or determined by the Consul.

#### ARTICLE XVIII.

Whenever merchant vessels of the United States shall enter a port, the collector of customs shall, if he see fit, appoint custom house officers to guard said vessels, who may live on board the ship or their own boats at their convenience. The local authorities of the Chinese Government shall cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China on being informed by the Consul, and will deliver them up to the consuls or others officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice, on due requisition by the Chinese local officers, addressed to those of the United States. The merchants, seamen and other citizens of the United States, shall be under the superintendence of the appropriate officers of their Government. If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two governments will exert themselves to enforce order, and to maintain the public peace by doing impartial justice in the premises.

#### ARTICLE XIX.

Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master or consignee, shall within forty eight hours, deposit the ship's papers in the hands of the Consul, or person charged with his functions, who shall cause to be communicated to the superintendent of customs, a true report of the name and tonnage of such vessel, the number of her crew and the nature of her cargo, which being done, he shall give a permit for her discharge. And the master, supercargo or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars, and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports. Or if the master so desire, he may within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he shall not be subject to pay tonnage or other

duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he shall pay the duties on vessel and cargo according to law. And the tonnage duties shall be held due after the expiration of the said forty-eight hours. In case of the absence of the Consul or person charged with his functions, the captain or supercargo of the vessel may have recourse to the Consul of a friendly power, or if he please, directly to the Superintendent of customs, who shall do all that is required to conduct the ship's business.

[On the 17th July, 1867, it had been agreed between the Chinese Government and Mr. Burlingame, United States Minister at Peking, that, subject to ratification by the Government of the United States, Article XIX should be modified as hereinafter stated. The proposed modification having been submitted to the Senate, that body, by its resolution of January 20, 1868, did "advise and consent to the modification of the treaty between the United States and China concluded at Tientsin on the 18<sup>th</sup> of June 1858, so that the nineteenth article shall be understood to include hulks and storeships of every kind under the term merchant vessels: and so that it shall provide that if the supercargo, master, or consignee shall neglect, within forty-eight hours after a vessel casts anchor in either of the ports named in the treaty, to deposit the ships papers in the hands of the consul, or person charged with his functions, who shall then comply with the requisitions of the nineteenth article of the treaty in question, he shall be liable to a fine of fifty taels for each days delay, the total amount of penalty however shall not exceed two hundred taels."]

#### ARTICLE XX.

The Superintendent of customs in order to the collection of the proper duties, shall on application made to him through the consul, appoint suitable officers, who shall proceed in the presence of the captain, supercargo or consignee, to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation, on board any merchant vessel of the United States. And if disputes occur in regard to the value of goods subject to ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may within twenty four hours, and not afterwards, be referred to the said consul to adjust with the superintendent of customs.

#### ARTICLE XXI.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to reexport the same in part or in whole to any other of the said ports, shall be entitled to make application, through their Consul, to the superintendent of customs, who in order to prevent fraud on the revenue, shall cause examination to be made by suitable officers to see that the duties paid on such goods as are entered on the custom-house books, correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance, of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of customs of the other ports; all of which being done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon. But if on such examination, the superintendent of customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese



Government. Foreign grain or rice brought into any port of China in a ship of the United States, and not landed, may be re-exported without hindrance.

[On the 7th April, 1863, it was agreed between Mr. Burlingame, United States Minister at Pekin, and the Government of China, that, subject to the ratification of the Government of the United States, the twenty-first article of the treaty of June 18, 1858, "shall be so modified as to permit duties to be paid, when goods are re-exported from any one of the free ports of China, at the port into which they are finally imported, and that drawbacks shall be substituted for exemption certificates at all the ports, which drawbacks shall be regarded as negotiable and transferable articles and be accepted by the Custom House from whatsoever merchant who may tender them either for import or export duty to be paid by him."

The Senate advised and consented to this modification by resolution of February 4, 1864; and it was accepted, ratified, and confirmed by the President February 22, 1864.]

#### ARTICLE XXII.

The tonnage duty on vessels of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid and not before, the collector of customs shall give a port clearance, and the Consul shall return the ship's papers. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same. Duties shall be paid and received either in sycee silver or in foreign money at the rate of the day. If the Consul permits a ship to leave the port before the duties and tonnage dues are paid, he shall be held responsible therefor.

#### ARTICLE XXIII.

When goods on board any merchant vessel of the United States in port require to be transshipped to another vessel, application shall be made to the consul, who shall certify what is the occasion therefor to the superintendent of customs, who may appoint officers to examine into the facts and permit the transshipment. And if any goods be transshipped without written permits, they shall be subject to be forfeited to the Chinese Government.

#### ARTICLE XXIV.

Where there are debts due by subjects of China to citizens of the United States, the latter may seek redress in law; and on suitable representations being made to the local authorities through the consul, they will cause due examination in the premises, and take proper steps to compel satisfaction. And if citizens of the United States be indebted to subjects of China, the latter may seek redress by representation through the consul, or by suit in the Consular Court. But neither Government will hold itself responsible for such debts.

#### ARTICLE XXV.

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China without distinction of persons to teach any of the languages of the Empire, and to assist in literary labors; and the persons so employed shall not for that cause be subject to any injury on the part either of the Government or of individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

## ARTICLE XXVI.

Relations of peace and amity between the United States and China being established by this treaty, and the vessels of the United States being admitted to trade, freely to and from the ports of China open to foreign commerce, it is further agreed, that in case at any time hereafter China should be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent powers, full respect being paid to the neutrality of the flag of the United States: provided that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service, nor shall said flag be fraudulently used to enable the enemy's ships, with their cargoes to enter the ports of China: but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

## ARTICLE XXVII.

All questions in regard to rights whether of property or person, arising between citizens of the United States in China shall be subject to the jurisdiction and regulated by the authorities of their own Government. And all controversies occurring in China between citizens of the United States and the subjects of any other Government, shall be regulated by the treaties existing between the United States and such Governments respectively without interference on the part of China.<sup>1</sup>

## ARTICLE XXVIII.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their consul or other officer to determine if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. If subjects of China have occasion to address the Consul of the United States, they may address him directly at the same time they inform their own officers, representing the case for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction. The extortion of illegal fees is expressly prohibited. Any peaceable persons are allowed to enter the court in order to interpret, lest injustice be done.

## ARTICLE XXIX.

The principles of the Christian religion as professed by the Protestant and Roman Catholic churches, are recognized as teaching men to do good, and to do to others as they would have others do to them. Hereafter, those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who according to these tenets peaceably teach and practise the principles of Christianity, shall in no case be interfered with or molested.<sup>2</sup>

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<sup>1</sup> See Article IV, p. 121.

<sup>2</sup> See Article IV. p. 116.



## ARTICLE XXX.

The contracting parties hereby agree that should at any time the Ta Tsing Empire, grant to any nation or the merchants or citizens of any nation, any right, privilege or favor, connected either with navigation, commerce, political or other intercourse which is not conferred by this treaty, such right, privilege and favor shall at once freely enure to the benefit of the United States, its public officers, merchants and citizens.

The present treaty of peace, amity and commerce shall be ratified by the President of the United States, by and with the advice and consent of the Senate, within one year, or sooner, if possible, and by the August Sovereign of the Ta Tsing Empire forthwith: and the ratifications shall be exchanged within one year from the date of the signatures thereof.

In faith whereof, we the Respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, as aforesaid, have signed and sealed these presents.

Done at Tientsin, this eighteenth day of June, in the year of our Lord one thousand eight hundred and fifty eight, and the Independence of the United States of America the eighty second, and in the eighth year of Hienfung, fifth month and eighth day.

WILLIAM B. REED.

[SEAL.]

KWEILIANG.

HWASHANA.

[SEAL.]

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1858.

## TREATY ESTABLISHING TRADE REGULATIONS AND TARIFF.

*Concluded November 8, 1858; ratification advised by the Senate March 1, 1859; ratified by the President March 3, 1859; ratifications exchanged August 15, 1859; proclaimed ————. (Treaties and Conventions 1889, p. 169.)*

## ARTICLE.

## I. Tariff and trade regulations.

Whereas a treaty of Peace, Amity and Commerce between the Ta Tsing Empire and the United States of America was concluded at Tientsin, and signed at the Temple of Hai-Kwang on the eighteenth day of June in the Year of our Lord one thousand eight hundred and fifty eight, corresponding with the eight day of the fifth moon of the eighth year of Hienfung: which said Treaty was duly ratified by His Majesty the Emperor of China on the third day of July following and which has been now transmitted for ratification by the President of the United States with the advice and consent of the Senate: and whereas in the said Treaty it was provided among other things that the Tariff of duties to be paid by citizens of the United States on the export and import of goods from and into China shall be the same as was agreed upon at the Treaty of Wang-hia except so far as it may be modified by treaties with other nations, it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nations: and whereas since the signature of the said Treaty material modifications of the said Tariff and other matters of

detail connected with and having relation to the said treaty have been made under mutual discussions by Commissioners appointed to that end by the Plenipotentiaries of China, Great Britain and France to which the assent of the United States of America is desired and now freely given, it has been determined to record such assent and agreement in the form of a supplementary treaty to be as binding and of the same efficacy as though they had been inserted in the original treaty.

#### ARTICLE I.

The Tariff and Regulations of Trade and Transit hereunto attached, bearing the seals of the respective Plenipotentiaries of the United States and the Ta Tsing Empire, shall henceforward and until duly altered under the provisions of Treaties be in force at the ports and places open to commerce.

In faith whereof, the respective Plenipotentiaries of the United States of America and of the Ta Tsing Empire, to wit, on the part of the United States, William B. Reed Envoy Extraordinary and Minister Plenipotentiary: and on the part of the Ta Tsing Empire,

Kweiliang, a member of the Privy Council, Captain-general of the Plain White Banner Division of the Manchu Bannermen, and Superintendent of the Board of Punishments and

Iwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain-general of the Bordered Blue Banner Division of the Chinese Bannermen, both of them Plenipotentiaries, with

Ho Kwei-tsing, Governor General of the two Kiang provinces, President of the Board of War, and Guardian of the Heir-apparent,

Mingshen, President of the Ordnance office of the Imperial Household, with the insignia of the second grade, and

Twan, a titular President of the Fifth Grade, member of the establishment of the General Council, and one of the junior under secretaries of the Board of Punishments, all of them special Imperial Commissioners deputed for the purpose, have signed and sealed these presents.

Done at Shanghai this eighth day of November, in the Year of our Lord one thousand eight hundred and fifty-eight, and the Independence of the United States of America the eighty-third, and in the eighth year of Hienfung, the tenth month and third day.

[SEAL.]

WILLIAM B. REED.

[SEAL.]

{ KWEILIANG.  
IWASHANA.  
HO KWEI-TSING.  
MINGSHEN.  
TWAN.

#### TARIFF ON IMPORTS.

		T.	M.	C.	C.
Agar-agar .....	per 100 catties	0	1	5	0
Asafoetida .....	do.	0	6	5	0
Beeswax, yellow, .....	do.	1	0	0	0
Betelnut .....	do.	0	1	5	0
Betelnut, husk .....	do.	0	0	7	5
Bicho de Mar, black .....	do.	1	5	0	0
Bicho de Mar, white .....	do.	0	3	5	0
Birds-nests, 1st quality .....	per catty	0	5	5	0
Birds-nests, 2nd quality .....	do.	0	4	5	0
Birds-nests, 3rd quality, or uncleaned .....	do.	0	1	5	0

		T.	M.	C.	C.
Buttons, brass.....	per gross.....	0	0	5	5
Camphor, baroosclean.....	per catty.....	1	3	0	0
Camphor, baroos, refuse.....	do.....	0	7	2	0
Canvas & cotton-duck, not exceeding 50 yards long.....	per piece.....	0	4	0	0
Cardamoms, superior.....	per 100 catties.....	1	0	0	0
Cardamoms, inferior, or grains-of-paradise.....	do.....	0	5	0	0
Cinnamon.....	do.....	1	5	0	0
Clocks, five per cent. ad valorem.					
Cloves.....	do.....	0	5	0	0
Cloves, mother.....	do.....	0	1	8	0
Coal, foreign.....	per ton.....	0	0	5	0
Cochineal.....	per 100 catties.....	5	0	0	0
Coral.....	per catty.....	0	1	0	0
Cordage, Manila.....	per 100 catties.....	0	3	5	0
Carnelians.....	per 100 stones.....	0	3	0	0
Carnelians, beads.....	per 100 catties.....	7	0	0	0
Cotton, raw.....	do.....	0	3	5	0
Cotton piece goods, gray, white, plain and twilled, exceeding 34 inches wide, and not exceeding 40 yards long.....	per piece.....	0	0	8	0
Cotton piece goods, exceeding 34 inches wide, and exceeding 40 yards long.....	per every 10 yards.....	0	0	2	0
Cotton piece goods, drills and jeans, not exceeding 30 inches wide, and not exceeding 40 yards long.....	per piece.....	0	1	0	0
Cotton piece goods, drills and jeans, not exceeding 30 inches wide, and not exceeding 30 yards long.....	per piece.....	0	0	7	5
Cotton piece goods, T cloths, not exceeding 34 inches wide, and not exceeding 48 yards long.....	per piece.....	0	0	8	0
Cotton piece goods, T cloths, not exceeding 34 inches wide, and not exceeding 24 yards long.....	per piece.....	0	0	4	0
Cotton, dyed, figured and plain, not exceeding 36 inches wide, and not exceeding 40 yards long.....	per piece.....	0	1	5	0
Cotton, fancy, white brocade and white spotted shirtings, not exceeding 36 inches wide, and not exceeding 40 yards long.....	per piece.....	0	1	0	0
Cotton, printed chintzes and furnitures, not exceeding 31 inches wide, and not exceeding 30 yards long.....	per piece.....	0	0	7	0
Cotton-cambries, not exceeding 46 inches wide, and not exceeding 24 yards long.....	per piece.....	0	0	7	0
Cotton-cambries, not exceeding 46 inches wide, and not exceeding 12 yards long.....	per piece.....	0	0	3	5
Cotton-muslins, not exceeding 46 inches wide, and not exceeding 24 yards long.....	per piece.....	0	0	7	5
Cotton-muslins, not exceeding 46 inches wide, and not exceeding 12 yards long.....	per piece.....	0	0	3	5
Cotton-damasks, not exceeding 36 inches wide, and not exceeding 40 yards long.....	per piece.....	0	2	0	0
Cotton-dinities, or quiltings, not exceeding 40 inches wide, and not exceeding 12 yards long.....	per piece.....	0	0	6	5
Cotton-ginghams, not exceeding 28 inches wide, and not exceeding 30 yards long.....	per piece.....	0	0	3	5
Cotton-handkerchiefs, not exceeding one yard square.....	per dozen.....	0	0	2	5
Cotton-fustians, not exceeding 35 yards long.....	per piece.....	0	2	0	0
Cotton-velveteens, not exceeding 34 yards long.....	do.....	0	1	5	0
Cotton-thread.....	per 100 catties.....	0	7	2	0
Cotton-yarn.....	do.....	0	7	0	0
Cow-bezoar, Indian.....	per catty.....	1	5	0	0
Cutch.....	per 100 catties.....	0	1	8	0
Elephants' teeth, whole.....	do.....	4	0	0	0
Elephants' teeth, broken.....	do.....	3	0	0	0
Feathers, kingfisher's, peacock's.....	per 100.....	0	4	0	0
Fish-maws.....	per 100 catties.....	1	0	0	0
Fish-skin.....	do.....	0	2	0	0
Flints.....	do.....	0	0	3	0
Gambier.....	do.....	0	1	5	0
Gamboge.....	do.....	1	0	0	0
Ginseng, American crude.....	do.....	6	0	0	0
Ginseng, American clarified.....	do.....	8	0	0	0
Glass, window.....	per box of 100 square feet.....	0	1	5	0
Glue.....	per 100 catties.....	0	1	5	0

	T.	M.	C.	C.
Gold-thread, real ..... per catty ..	1	6	0	0
Gold-thread, imitation ..... do ..	0	0	3	0
Gum-benjamin ..... per 100 catties ..	0	6	0	0
Gum-benjamin, oil of ..... do ..	0	6	0	0
Gum, dragon's blood ..... do ..	0	4	5	0
Gum, myrrh ..... do ..	0	4	5	0
Gum, olibanum ..... do ..	0	4	5	0
Hides, buffalo and cow ..... do ..	0	5	0	0
Hides, rhinoceros ..... do ..	0	4	2	0
Horns, buffalo ..... do ..	0	2	5	0
Horns, deer ..... do ..	0	2	5	0
Horns, rhinoceros ..... do ..	2	0	0	0
Indigo, liquid ..... do ..	0	1	8	0
Isinglass ..... do ..	0	6	5	0
Lacquered-ware ..... do ..	1	0	0	0
Leather ..... do ..	0	4	2	0
Linen, fine, as Irish or Scotch, not exceeding 50 yards long .. per piece ..	0	5	0	0
Linen, coarse, as linen and cotton, or silk and linen mixture, not exceeding 50 yards long ..... per piece ..	0	2	0	0
Lucraban seed ..... per 100 catties ..	0	0	3	5
Mace ..... do ..	1	0	0	0
Mangrove bark ..... do ..	0	0	3	0
Metals, copper, manufactured, as in sheets, rods, nails ..... do ..	1	5	0	0
Metals, copper, unmanufactured, as in slabs ..... do ..	1	0	0	0
Metals, copper, yellow-metal sheathing and nails ..... do ..	0	9	0	0
Metals, copper, Japan ..... do ..	0	6	0	0
Metals, iron, manufactured, as in sheets, rods, bars, hoops ..... do ..	0	1	2	5
Metals, iron, unmanufactured, as in pigs ..... do ..	0	0	7	5
Metals, iron, kentledge ..... do ..	0	0	1	0
Metals, iron, wire ..... do ..	0	2	5	0
Metals, lead, in pigs ..... do ..	0	2	5	0
Metals, lead, in sheets ..... do ..	0	5	5	0
Metals, quicksilver ..... do ..	2	0	0	0
Metals, spelter, saleable only under regulations appended per 100 catties ..	0	2	5	0
Metals, steel ..... per 100 catties ..	0	2	5	0
Metals, tin ..... do ..	1	2	5	0
Metals, tin plates ..... do ..	0	4	0	0
Mother-of-pearl shell ..... do ..	0	2	0	0
Musical boxes, five per cent. ad valorem.				
Mussels, dried ..... do ..	0	2	0	0
Nutmegs ..... do ..	2	5	0	0
Olives, unpickled, salted or pickled ..... do ..	0	1	8	0
Opium ..... do ..	30	0	0	0
Pepper, black ..... do ..	0	3	6	0
Pepper, white ..... do ..	0	5	0	0
Prawns, dried ..... do ..	0	3	6	0
Putchuck ..... do ..	0	6	0	0
Rattans ..... do ..	0	1	5	0
Rose maloes ..... per catties ..	1	0	0	0
Salt fish ..... per 100 catties ..	0	1	8	0
Saltpetre, (saleable only under regulation appended), per hundred catties ..	0	5	0	0
Sandalwood ..... per 100 catties ..	0	4	0	0
Sapanwood ..... do ..	0	1	0	0
Sea-horse teeth ..... do ..	2	0	0	0
Sharks' fins, black ..... do ..	0	5	0	0
Sharks' fins, white ..... do ..	1	5	0	0
Sharks' skins ..... per hundred ..	2	0	0	0
Silver thread, real ..... per catty ..	1	3	0	0
Silver thread, imitation ..... do ..	0	0	3	0
Sinews, buffalo and deer ..... per 100 catties ..	0	5	5	0
Skins, fox, large ..... each ..	0	1	5	0
Skins, fox, small ..... do ..	0	0	7	5
Skins, marten ..... do ..	0	1	5	0
Skins, sea-otter ..... do ..	1	5	0	0
Skins, tiger and leopard ..... do ..	0	1	5	0
Skins, beaver ..... per hundred ..	5	0	0	0

	T.	M.	C.	C.
Skins, doe, hare and rabbit.....per hundred..	0	5	0	0
Skins, squirrel.....do.....	0	5	0	0
Skins, land-otter.....do.....	2	0	0	0
Skins, racoon.....do.....	2	0	0	0
Smalts.....per 100 catties..	1	5	0	0
Snuff, foreign.....do.....	7	2	0	0
Sticklac.....do.....	0	3	0	0
Stockfish.....do.....	0	5	0	0
Sulphur and brimstone, (saleable only under regulation appended,) per 100 catties.....	0	2	0	0
Telescopes, spy and opera glasses, looking-glasses, mirrors, 5 per cent. ad valorem.				
Tigers' bones.....per 100 catties..	1	5	5	0
Timber, masts and spars, hard-wood, not exceeding 40 feet.....each..	4	0	0	0
Timber, masts and spars, hard-wood not exceeding 60 feet.....do.....	6	0	0	0
Timber, masts and spars, hard-wood, exceeding 60 feet.....do.....	10	0	0	0
Timber, masts and spars, soft-wood, not exceeding 40 feet.....do.....	2	0	0	0
Timber, masts and spars, soft-wood, not exceeding 60 feet.....do.....	4	5	0	0
Timber, masts and spars, soft-wood, exceeding 60 feet.....do.....	6	5	0	0
Timber, beams, hard-wood, not exceeding 26 feet long, and under 12 inches square.....each..	0	1	5	0
Timber, planks, hard-wood, not exceeding 24 feet long, 12 inches wide, and 3 inches thick.....per 100..	3	5	0	0
Timber, planks, hard-wood, not exceeding 16 feet long, 12 inches wide, and 3 inches thick.....per 100..	2	0	0	0
Timber, plank, soft-wood.....per 1,000 square feet..	0	7	0	0
Timber, plank, teak.....per cubic foot..	0	0	3	5
Tinder.....per 100 catties..	0	3	5	0
Tortoise-shell.....per catty..	0	2	5	0
Tortoise-shell, broken.....do.....	0	0	7	2
Umbrellas.....each..	0	0	3	5
Velvets, not exceeding 34 yards long.....per piece..	0	1	8	0
Watches.....per pair..	1	0	0	0
Watches, émaillées à perles.....do.....	4	5	0	0
Wax, Japan.....per 100 catties..	0	6	5	0
Woods, camagon.....do.....	0	0	3	0
Woods, ebony.....do.....	0	1	5	0
Woods, garroo.....do.....	2	0	0	0
Woods, fragrant.....do.....	0	4	5	0
Woods, kranjee, 35 feet long, 1 foot 8 inches wide, and 1 foot thick, each.....	0	8	0	0
Woods, laka.....per 100 catties..	0	1	4	5
Woods, red.....do.....	0	1	1	5
Woollen manufactures, viz, blankets.....per pair..	0	2	0	0
Woollen broadcloth and Spanish stripes, habit and medium cloth, 51 a 64 inches wide.....per chang..	0	1	2	0
Woollen, long ells, 31 inches wide.....do.....	0	0	4	5
Woollen camlets, English, 31 inches wide.....do.....	0	0	5	0
Woollen camlets, Dutch, 33 inches wide.....do.....	0	1	0	0
Woollen camlets, imitation and bombazettes.....do.....	0	0	3	5
Woollen cassimeres, flannel, and narrow cloth.....do.....	0	0	4	0
Woollen lastings, 31 inches wide.....do.....	0	0	5	0
Woollen lastings, imitation and Orleans, 34 inches wide.....do.....	0	0	3	5
Woollen hunting, not exceeding 24 inches wide, 40 yards long, per piece.....	0	2	0	0
Woollen and cotton mixture, viz, lustres, plain and brocaded, not exceeding 31 yards long.....per piece..	0	2	0	0
Woollen, inferior Spanish stripes.....per chang..	0	1	0	0
Woollen yarn.....per 100 catties..	3	0	0	0

## TARIFF ON EXPORTS.

Alum.....per 100 catties..	0	0	4	5
Alum, green or copperas.....do.....	0	1	0	0
Anise-seed, star.....do.....	0	5	0	0
Anise-seed, broken.....do.....	0	2	5	0
Anise-seed, oil.....do.....	5	0	0	0
Apricot seeds, or almonds.....do.....	0	4	5	0

		T.	M.	C.	C.
Arsenic .....	per 100 catties..	0	4	5	0
Artificial flowers .....	do .....	1	5	0	0
Bamboo ware .....	do .....	0	7	5	0
Bangles, or glass armlets .....	do .....	0	5	0	0
Beans and peas, (except from New Chwang and Tang Chow,) .....	do .....	0	0	6	0
Bean cake, (except from New Chwang and Tang Chow,) .....	do .....	0	0	3	5
Bone and horn ware .....	do .....	1	5	0	0
Brass buttons .....	do .....	3	0	0	0
Brass foil .....	do .....	1	5	0	0
Brass ware .....	do .....	1	0	0	0
Brass wire .....	do .....	1	1	5	0
Camphor .....	do .....	0	7	5	0
Canes .....	per thousand .....	0	5	0	0
Cantharides .....	per 100 catties .....	2	0	0	0
Capoor cutchery .....	do .....	0	3	0	0
Carpets and druggets .....	per hundred .....	3	5	0	0
Cassia lignea .....	per 100 catties .....	0	6	0	0
Cassia buds .....	do .....	0	8	0	0
Cassia twigs .....	do .....	0	1	5	0
Cassia oil .....	do .....	9	0	0	0
Castor oil .....	do .....	0	2	0	0
Chestnuts .....	do .....	0	1	0	0
China root .....	do .....	0	1	3	0
Chinaware, fine .....	do .....	0	9	0	0
Chinaware, coarse .....	do .....	0	4	5	0
Cinnabar .....	do .....	0	7	5	0
Clothing, cotton .....	do .....	1	5	0	0
Clothing, silk .....	do .....	10	0	0	0
Coal .....	do .....	0	0	4	0
Coir .....	do .....	0	1	0	0
Copper ore .....	do .....	0	5	0	0
Copper sheathing, old .....	do .....	0	5	0	0
Copper and pewter ware .....	do .....	1	1	5	0
Corals, false .....	do .....	0	3	5	0
Cotton, raw .....	do .....	0	3	5	0
Cotton, rags .....	do .....	0	0	4	5
Cow bezoar .....	per catty .....	0	3	6	0
Crackers, fireworks .....	per 100 catties .....	0	5	0	0
Cubebs .....	do .....	1	5	0	0
Curiosities, antiques, 5 per cent. ad valorem. ....					
Dates, black .....	do .....	0	1	5	0
Dates, red .....	do .....	0	0	9	0
Dye, green .....	per catty .....	0	8	0	0
Eggs, preserved .....	per thousand .....	0	3	5	0
Fans, feather .....	per hundred .....	0	7	5	0
Fans, paper .....	do .....	0	0	4	5
Fans, palm leaf, trimmed .....	per thousand .....	0	3	6	0
Fans, palm leaf, untrimmed .....	do .....	0	2	0	0
Felt cuttings, .....	per 100 catties .....	0	1	0	0
Felt caps .....	per hundred .....	1	2	5	0
Fungus, or argaric .....	per 100 catties .....	0	6	0	0
Galangal .....	do .....	0	1	0	0
Garlic .....	do .....	0	0	3	5
Ginseng, native, 5 per cent. ad valorem. ....					
Ginseng, Corean or Japan, 1st quality .....	per catty .....	0	5	0	0
Ginseng, Corean or Japan, 2d quality .....	do .....	0	3	5	0
Glass beads .....	per 100 catties .....	0	5	0	0
Glass, or vitrified ware .....	do .....	0	5	0	0
Grass-cloth, fine .....	do .....	2	5	0	0
Grass-cloth, coarse .....	do .....	0	7	5	0
Ground-nuts .....	do .....	0	1	0	0
Ground-nuts, cake .....	do .....	0	0	3	0
Gypsum, ground, or plaster of Paris .....	do .....	0	0	3	0
Hair, camels' .....	do .....	1	0	0	0
Hair, goats' .....	do .....	0	1	8	0
Hams .....	do .....	0	5	5	0
Hartall, or orpiment .....	do .....	0	3	5	0



		T.	M.	C.	C.
Hemp	per 100 catties	0	3	5	0
Honey	do	0	9	0	0
Horns, deer's, young	per pair	0	9	0	0
Horns, deer's, old	per 100 catties	1	3	5	0
India ink	do	4	0	0	0
Indigo, dry	do	1	0	0	0
Ivory ware	per catty	0	1	5	0
Joss sticks	per 100 catties	0	2	0	0
Kittysols, or paper umbrellas	per hundred	0	5	0	0
Lacquered ware	per 100 catties	1	0	0	0
Lamp-wicks	do	0	6	0	0
Lead, red, (minimum,)	do	0	3	5	0
Lead, white, (ceruse,)	do	0	3	5	0
Lead, yellow, (massicot,)	do	0	3	5	0
Leather articles, as pouches, purses	do	1	5	0	0
Leather, green	do	1	8	0	0
Lichees	do	0	2	0	0
Lily flowers, dried	do	0	2	7	0
Lily-seed, or lotus nuts	do	0	5	0	0
Licorice	do	0	1	3	5
Lungngan	do	0	2	5	0
Lungngan, without the stone	do	0	3	5	0
Manure-cakes, or poudrette	do	0	0	9	0
Marble slabs	do	0	2	0	0
Mats of all kinds	per hundred	0	2	0	0
Matting	per roll of 40 yards	0	2	0	0
Melon-seeds	per 100 catties	0	1	0	0
Mother-o'-pearl ware	per catty	0	1	0	0
Mushrooms	per 100 catties	1	5	0	0
Musk	per catty	0	9	0	0
Nankeen and native cotton cloths	per 100 catties	1	5	0	0
Nutgalls	do	0	5	0	0
Oil, as bean, tea, wood, cotton, and hemp seed	do	0	3	0	0
Oiled paper	do	0	4	5	0
Olive-seed	do	0	3	0	0
Oyster shells, sea shells	do	0	0	9	0
Paint, green	do	0	4	5	0
Palampore, or cotton bedquilts	per hundred	2	7	5	0
Paper, 1st quality	per 100 catties	0	7	0	0
Paper, 2d quality	do	0	4	0	0
Pearls, false	do	2	0	0	0
Peel, orange	do	0	3	0	0
Peel, pumelo, 1st quality	do	0	4	5	0
Peel, pumelo, 2d quality	do	0	1	5	0
Peppermint leaf	do	0	1	0	0
Peppermint oil	do	3	5	0	0
Pictures and paintings	each	0	1	0	0
Pictures on pith or rice paper	per hundred	0	1	0	0
Pottery, earthenware	per 100 catties	0	0	5	0
Preserve, comfits and sweetmeats	do	0	5	0	0
Rattans, split	do	0	2	5	0
Rattan ware	do	0	3	0	0
Rhubarb	do	1	2	5	0
Rice or paddy, wheat, millet, and other grains	do	0	1	0	0
Rugs of hair or skin	each	0	0	9	0
Samshoo	per 100 catties	0	1	5	0
Sandalwood ware	per catty	0	1	0	0
Sea weed	per 100 catties	0	1	5	0
Sesamum seed	do	0	1	3	5
Shoes and boots, leather or satin	per one hundred pairs	3	0	0	0
Shoes, straw	do	0	1	8	0
Silk, raw and thrown	per 100 catties	10	0	0	0
Silk, yellow, from Szechuen	do	7	0	0	0
Silk, reeled from Dupions	do	5	0	0	0
Silk, wild raw	do	2	5	0	0
Silk, refuse	do	1	0	0	0
Silk, cocoons	do	3	0	0	0



		T.	M.	C.	C.
Silk, floss, Canton .....	per 100 catties..	4	3	0	0
Silk, floss, from other provinces .....	do.....	10	0	0	0
Silk, ribbons and thread .....	do.....	10	0	0	0
Silk, piece goods, pongees, shawls, scarfs, crape, satin, gauze, velvet and embroidered goods .....	per 100 catties..	12	0	0	0
Silk, piece goods, Szechuen and Shantung .....	do.....	4	5	0	0
Silk, tassels .....	do.....	10	0	0	0
Silk caps .....	per hundred .....	0	9	0	0
Silk and cotton mixtures .....	per 100 catties..	5	5	0	0
Silver and gold ware .....	do.....	10	0	0	0
Snuff .....	do.....	0	8	0	0
Soy .....	do.....	0	4	0	0
Straw braid .....	do.....	0	7	0	0
Sugar, brown .....	do.....	0	1	2	0
Sugar, white .....	do.....	0	2	0	0
Sugar, candy .....	do.....	0	2	5	0
Tallow, animal .....	do.....	0	2	0	0
Tallow, vegetable .....	do.....	0	3	0	0
Tea .....	do.....	2	5	0	0
Tin foil .....	do.....	1	2	5	0
Tobacco, prepared .....	do.....	0	4	5	0
Tobacco, leaf .....	do.....	0	1	5	0
Tortoise shell ware .....	per catty .....	0	2	0	0
Trunks, leather .....	per 100 catties..	1	5	0	0
Turmeric .....	do.....	0	1	0	0
Twine, hemp, Canton .....	do.....	0	1	5	0
Twine, hemp, Soochow .....	do.....	0	5	0	0
Turnips, salted .....	do.....	0	1	8	0
Varnish, or crude lacquer .....	do.....	0	5	0	0
Vermicelli .....	do.....	0	1	8	0
Vermillion .....	do.....	2	5	0	0
Wax, white or insect .....	do.....	1	5	0	0
Wood, piles, poles and joists .....	each .....	0	0	3	0
Wood ware .....	per 100 catties..	1	1	5	0
Wool .....	do.....	0	3	5	0

[SEAL.]

WILLIAM B. REED.

RULE I.

*Unenumerated goods.*

Articles not enumerated in the list of exports, but enumerated in the list of imports, when exported, shall pay the amount of duty set against them in the list of Imports; and similarly, articles not enumerated in the list of Imports, but enumerated in the list of Exports, when imported, will pay the amount of duty set against them in the list of Exports.

Articles not enumerated in either list, nor in the list of duty free goods, shall pay an *ad valorem* duty of five per cent., calculated upon their market value.

RULE II.

*Duty Free Goods.*

Gold and Silver Bullion, Foreign coins, Flour, Indian Meal, Sago, Biscuit, Preserved Meats, and Vegetables, Cheese, Butter, Confectionery,  
Foreign Clothing, Jewelry, Plated Ware, Perfumery, Soap of all kinds,  
Charcoal, Firewood, Candles (*foreign*) Tobacco (*foreign*) Cigars (*foreign*)  
Wine, Beer, Spirits, Household Stores, Ships' Stores, Personal Baggage, Stationery, Carpeting, Druggeting, Cutlery, Foreign medicines and Glass and Crystal-ware.

The above commodities pay no Import or Export Duty; but if transported into the Interior will, with the exception of Personal Baggage, Gold and Silver Bullion, and Foreign Coins, pay a transit duty at the rate of Two and a half per cent. *ad valorem*.

A freight, or part freight, of duty free goods (personal baggage, gold and silver bullion and foreign coins excepted) will render the vessel carrying them, though no other cargo be on board, liable to Tonnage Dues.

## RULE III.

*Contraband Goods.*

Import and Export Trade is alike prohibited in the following articles:

Gunpowder, Shot, Cannon, Fowling-pieces, Rifles, Muskets, Pistols and all other munitions and Implements of war: and salt.

## RULE IV.

*Weights and Measures.*

In the calculations of the Tariff, the weight of a pecul of one hundred Catties is held to be equal to one hundred and thirty-three and one-third pounds avoirdupois; and the length of a *chang* of ten Chinese feet to be equal to one hundred and forty-one English inches.

One Chinese *chih* is held to equal fourteen and one-tenth inches English: and four yards English, less three inches, to equal one *chang*.

## RULE V.

*Regarding certain commodities heretofore contraband.*

The restrictions affecting trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre and spelter, are relaxed under the following conditions:

1. Opium will henceforth pay thirty taels per pecul, import duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only, and only as Chinese property; the foreign trader will not be allowed to accompany it. The provision of the Treaty of Tien-tsin, conferring privileges by virtue of the most favored clause, so far as respects citizens of the United States going into the interior to trade, or paying transit-duties, shall not extend to the article of opium, the transit-duties on which will be arranged as the Chinese government see fit; nor in future revisions of the tariff is the same rule of revision to be applied to opium as to other goods.

2. Copper Cash. The export of cash to any foreign port is prohibited: but it shall be lawful for citizens of the United States to ship it at one of the open ports of China to another, on compliance with the following regulation;—The shipper shall give notice of the amount of cash he desires to ship, and the port of its destination, and shall bind himself, either by a bond with two sufficient sureties, or by depositing such other security as may be deemed by the Customs satisfactory, to return, within six months from the date of clearance, to the collector at the port of shipment, the certificate issued by him, with an acknowledgment thereon, of the receipt of the cash at the port of destination by the collector at that port, who shall thereto affix his seal: or failing the production of the certificate to forfeit a sum equal in value to the cash shipped.

Cash will pay no duty inwards or outwards, but a freight, or part-freight of cash, though no other cargo be on board, will render the vessel carrying it liable to tonnage dues.

3. The export of rice and all other grains whatsoever, native or foreign, no matter where grown, or whence imported, to any foreign port, is prohibited; but these commodities may be carried by citizens of the United States from one of the open ports of China to another under the same conditions in respect of security as cash, on payment at the port of shipment of the duty specified in the Tariff.

No import duty shall be levyable upon rice or grain, but a freight or part-freight of rice or grain, though no other cargo be on board, will render the vessel importing it liable to tonnage dues.

4. Pulse. The export of Pulse and Bean-cake from Tang-chau, and Nin-chwang, under the American flag is prohibited. From any of the other open ports they may be shipped on payment of the tariff duty, either to other ports of China or to foreign countries.

5. Saltpetre, Sulphur, Brimstone and Spelter, being deemed by the Chinese to be munitions of war, shall not be imported by citizens of the United States save at the requisition of the Chinese government, or for sale to Chinese duly authorized to purchase them. No permit to land them shall be issued until the customs have proof that the necessary authority has been given to the purchaser. It shall not be lawful for citizens of the United States to carry these commodities up the Yang-tsz'-Kiang, or into any port other than those open on the seaboard, nor to accompany them into the interior on behalf of Chinese. They must be sold at the ports only, and except at the ports, they will be regarded as Chinese property.

Infractions of the conditions, as above set forth, under which trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre and spelter, may be henceforward carried on, will be punishable by confiscation of all the goods concerned.

## RULE VI.

*Liability of Vessels entering Port.*

For the prevention of misunderstanding, it is agreed that American vessels must be reported to the consul within twenty-four hours, counting from the time the vessel comes within the limits of the port; and that the same rule be applied to the forty-eight hours allowed by art. 19 of the Treaty to remain in port without payment of tonnage dues.

The limits of the ports shall be defined by the customs with all consideration for the convenience of trade compatible with due protection of the Revenue; also the limits of the anchorages within which lading and discharging are permitted by the Customs, and the same shall be notified to the consuls for public information.

## RULE VII.

*Transit Dues.*

It is agreed that the amount of transit dues legally levyable upon merchandise imported or exported shall be one-half the Tariff duties, except in the case of the duty-free goods liable to a transit duty of two and a half per cent. *ad valorem*, as provided in No. 2 of these Rules.

Merchandise shall be cleared of its transit dues under the following regulations:—

In the case of imports. Notice being given at the port of entry from which the imports are to be forwarded inland, of the nature and quantity of the goods, the ship from from which they have been landed, and the place inland to which they are bound, with all other necessary particulars, the Collector of Customs shall, on due inspection made, and on receipt of the transit duty due, issue a Transit Duty Certificate. This must be produced at every barrier station and viséed.—No further duty will be levyable upon imports so certificated, no matter how distant the place of their destination.

In the case of exports. Produce purchased by a citizen of the United States in the interior, will be inspected and taken account of at the first barrier it passes on its way to the port of shipment. A memorandum, showing the amount of the produce, and the port at which it is to be shipped, will be deposited there by the person in charge of the produce. He will then receive a certificate, which must be exhibited and viséed at every Barrier on his way to the port of shipment. On the arrival of the produce at the barrier nearest the port, notice must be given to the customs at the port, and the transit dues due thereon being paid it will be passed. On exportation the produce will pay the tariff duty.

Any attempt to pass goods inwards or outwards otherwise than in compliance with the rule here laid down, will render them liable to confiscation. Unauthorized sale *in transitu* of goods that have been entered as above for a port, will render them liable to confiscation. Any attempt to pass goods in excess of the quantity specified in the certificate will render all the goods of the same denomination, named in the certificate liable to confiscation. Permission to export produce which cannot be proved to have paid its transit dues, will be refused by the customs until the transit dues shall have been paid.

## RULE VIII.

*Trade with the Capital.*

It is agreed that no citizen of the United States, shall have the privilege of entering the capital city of Peking for the purposes of trade.

## RULE IX.

*Abolition of the Meltage Fee.*

It is agreed that the percentage of one tael, two mace, hitherto charged, in excess of duty payments, to defray the expenses of melting, by the Chinese Government, shall no longer be levied on citizens of the United States.

## RULE X.

*Collection of duties under one system at all Ports.*

It being, by Treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue accruing on American trade. it is agreed that one uniform system shall be enforced at every port.

The high officer appointed by the Chinese Government to superintend foreign trade will accordingly, from time to time, either himself visit, or will send a deputy to visit the different ports. The said high officer will be at liberty of his own choice, independently of the suggestion or nomination of any American authority, to select any citizen of the United States he may see fit to aid him in the administration of the customs revenue, in the prevention of smuggling, in the definition of port-boundaries, or in discharging the duties of harbor-master;—also in the distribution of lights, buoys, beacons, and the like, the maintenance of which shall be provided for out of the tonnage dues.

The Chinese Government will adopt what measures it shall find requisite to prevent smuggling up the Yang-tsz' Kiang, when that river shall be open to trade.

[SEAL.]

WILLIAM B. REED.

## 1858.

### CLAIMS CONVENTION

*Concluded November 8, 1858; ratification advised by the Senate March 1, 1859; ratified by the President March 3, 1859; ratifications exchanged August 15, 1859. (Treaties and Conventions, 1889, p. 178.)*

The arrangement made at Tien-Tsin, and called a convention by the preamble to this convention, was made through the medium of correspondence, and the supplemental convention of November 8, 1858, was entered into to carry it into effect. Under this convention \$735,238.97 was paid to the United States minister to China, and a commission appointed to decide upon the claims. The commission awarded claimants \$489,187.95, and the Chinese Government refusing to receive the surplus it was finally transmitted to the United States and invested in Government bonds. From this fund there was paid out by the Secretary of State for claims against China \$281,319.64, and on April 24, 1885, the balance, amounting to \$453,400.90, was returned to the Chinese minister at Washington.

## 1868.

### TREATY OF TRADE, CONSULS, AND EMIGRATION.<sup>1</sup>

*Concluded July 4, 1868; ratification advised by the Senate with amendments July 24, 1868; amendments incorporated in the treaty July 28, 1868; ratified by the President October 19, 1868; ratifications exchanged November 23, 1869; proclaimed February 5, 1870. (Treaties and Conventions, 1889, p. 179.)*

#### ARTICLES.

- |                                     |   |
|-------------------------------------|---|
| I. Jurisdiction over land in China. | V. Voluntary emigration.                |
| II. Regulation of commerce.         | VI. Privileges of travel and residence. |
| III. Chinese consuls.               | VII. Education.                         |
| IV. Religious freedom.              | VIII. Internal improvements in China.   |

Whereas since the conclusion of the treaty between the United States of America and the Ta-Tsing Empire, (China) of the 18<sup>th</sup> of

<sup>1</sup> See Treaty of June 18, 1858, p. 95.

Federal cases: Chae Chan Ping v. U. S., 130 U. S., 581; Ex parte Lau Ow Bew, 141 U. S., 583; Lau Ow Bew v. U. S., 144 U. S., 47; Fong Yue Ting v. U. S., 149 U. S., 698; In re Ah Fong, 3 Sawyer, 144; Chapman v. Toy Long, 4 Sawy., 28; Baker v. Portland, 5 Sawy., 566; In re Wong Yung Quy, 6 Sawy., 237, 442; In re Ah Chong, 6 Sawy., 451; In re Parrott, 1 Fed. Rep., 481; U. S. v. Douglas, 17 Fed. Rep., 634.

June, 1858, circumstances have arisen showing the necessity of additional articles thereto, the President of the United States and the August Sovereign of the Ta-Tsing Empire, have named for their Plenipotentiaries, to wit: The President of the United States of America, William H. Seward, Secretary of State, and His Majesty the Emperor of China, Anson Burlingame, accredited as his Envoy Extraordinary and Minister Plenipotentiary, and Chih-Kang and Sun Chia-Ku, of the second Chinese rank, associated High Envoys and Ministers of his said Majesty; and the said Plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following Articles:

#### ARTICLE I.

His Majesty the Emperor of China, being of the opinion that, in making concessions to the citizens or subjects of foreign powers of the privilege of residing on certain tracts of land, or resorting to certain waters of that Empire for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said land and waters, hereby agrees that no such concession or grant shall be construed to give to any power or party which may be at war with or hostile to the United States the right to attack the citizens of the United States or their property within the said lands or waters. And the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any power or party or their property with which they may be at war on any such tract of land or waters of the said Empire. But nothing in this article shall be construed to prevent the United States from resisting an attack by any hostile power or party upon their citizens or their property.

It is further agreed that if any right or interest in any tract of land in China has been or shall hereafter be granted by the Government of China to the United States or their citizens for purposes of trade or commerce, that grant shall in no event be construed to divest the Chinese authorities of their right of jurisdiction over persons and property within said tract of land, except so far as that right may have been expressly relinquished by treaty.

#### ARTICLE II.

The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese dominions which may not have been stipulated for by treaty, shall be subject to the discretion of the Chinese Government and may be regulated by it accordingly, but not in a manner or spirit incompatible with the treaty stipulations of the parties.

#### ARTICLE III.

The Emperor of China shall have the right to appoint Consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the Consuls of Great Britain and Russia, or either of them.

#### ARTICLE IV.

The 29<sup>th</sup> Article of the treaty of the 18<sup>th</sup> of June, 1858, having stipulated for the exemption of Christian citizens of the United States and



Chinese converts from persecution in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.<sup>1</sup>

#### ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other, for purposes of curiosity, of trade, or as permanent residents. The High contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offence for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.<sup>2</sup>

#### ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.<sup>3</sup>

#### ARTICLE VII.

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China, and reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and, reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

#### ARTICLE VIII.

The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby freely disclaim and

<sup>1</sup> See Article XXIX, p. 104.

<sup>2</sup> U. S. Stats., Vol. 18, p. 477.

<sup>3</sup> See Treaty of March 17, 1894, p. 122.

disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs or other material internal improvements. On the other hand, His Majesty, the Emperor of China, reserves to himself the right to decide the time and manner and circumstances of introducing such improvements within his dominions. With this mutual understanding it is agreed by the contracting parties that if at any time hereafter His Imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned within the Empire, and shall make application to the United States or any other Western power for facilities to carry out that policy, the United States will, in that case, designate and authorize suitable engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such application, the Chinese Government in that case protecting such engineers in their persons and property, and paying them a reasonable compensation for their service.

In faith whereof, the respective Plenipotentiaries have signed this treaty, and thereto affixed the seals of their arms.

Done at Washington the twenty eight day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

WILLIAM H. SEWARD.

[SEAL.]

ANSON BURLINGAME.

CHIH-KANG. [SEAL.]

SUN CHIA-KU.

## 1880.

### IMMIGRATION TREATY.<sup>1</sup>

*Concluded November 17, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 9, 1881; ratifications exchanged July 19, 1881; proclaimed October 5, 1881. (Treaties and Conventions, 1889, p. 182.)*

#### ARTICLES.

- |   |  |
|---|--|
| I. Suspension of Chinese immigration.       | III. Protection of Chinese in the United States. |
| II. Rights of Chinese in the United States. | IV. Notification of legislation; ratification.   |

Whereas, in the eighth year of Hsien Feng, Anno Domini, 1858, a treaty of peace and friendship was concluded between the United States of America and China, and to which were added, in the seventh

<sup>1</sup> See Treaty of 1894, p. 122.

Federal cases: Chew Heong v. U. S., 112 U. S., 536; Yick Wo v. Hopkins, 118 U. S., 356; Baldwin v. Franks, 120 U. S., 678; U. S. v. Jung Ah Lung, 124 U. S., 621; Chae Chan Ping v. U. S., 130 U. S., 581; Wan Shing v. U. S., 140 U. S., 424; Ex parte Lau Ow Bew, 141 U. S., 583; Lau Ow Bew v. U. S., 144 U. S., 47; Fong Yue Ting v. U. S., 149 U. S., 648; In re Ah Kee, 22 Blatch., 520; In re Ah Lung, 9 Sawy., 306; In re Leong Yick Dew, 10 Sawy., 38; In re Ah Quan, 10 Sawy., 222; In re Shong Toon, 10 Sawy., 268; In re Ah Moy, 10 Sawy., 345; In re Chew Heong, 10 Sawy., 361; In re Quong Woo, 13 Fed. Rep., 229; Case of Chinese Merchant, 13 Fed. Rep., 605; In re Moncan, 14 Fed. Rep., 44; In re Ho King, 14 Fed. Rep., 724; U. S. v. Douglass, 17 Fed. Rep., 634; In re Chin Ah On, 18 Fed. Rep., 506; In re Pong Ah Chee, 18 Fed. Rep., 527; In re Tung Yeong, 19 Fed. Rep., 184; Case of Chinese Wife, 21 Fed. Rep., 785; Case of Chinese Laborer, 21 Fed. Rep., 791; In re Ah Ping, 23 Fed. Rep., 329; In re Chae Chan Ping, 36 Fed. Rep., 431; In re Chung Toy Ho, 42 Fed. Rep., 398; U. S. v. Ah Fawn, 57 Fed. Rep., 591; U. S. v. Yong Yew, 83 Fed. Rep., 832.



year of Tung Chih, Anno Domini, 1868., certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed:—and

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing Treaties which shall not be in direct contravention of their spirit:—

now, therefore, the President of the United States of America has appointed James B. Angell, of Michigan, John F. Swift, of California, and William Henry Trescot, of South Carolina as His Commissioners Plenipotentiary; and His Imperial Majesty, the Emperor of China, has appointed Pao Chün, a Member of His Imperial Majesty's Privy Council, and Superintendent of the Board of Civil Office; and Li Hungtsao, a Member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existing Treaties, have agreed upon the following articles in modification.

#### ARTICLE I.

Whenever in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.<sup>1</sup>

#### ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exceptions which are accorded to the citizens and subjects of the most favored nations.

#### ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privi-

<sup>1</sup> U. S. Stats., Vol. 22, p. 58; Vol. 23, p. 115; Vol. 25, pp. 476, 504; Vol. 27, p. 25; Vol. 28, p. 7.

leges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

#### ARTICLE IV.

The high contracting Powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese Minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese Foreign Office may also bring the matter to the notice of the United States Minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese, being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking, this seventeenth day of November, in the year of Our Lord, 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

JAMES B. ANGELL.	[SEAL.]
JOHN F. SWIFT.	[SEAL.]
W <sup>M</sup> . HENRY TRESCOT.	[SEAL.]
PAO CHÜN.	
LI HUNGSAO.	[SEAL.]

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1880.

#### TREATY AS TO COMMERCIAL INTERCOURSE AND JUDICIAL PROCEDURE.

*Concluded November 17, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 9, 1881; ratifications exchanged July 19, 1881; proclaimed October 5, 1881. (Treaties and Conventions, 1889, p. 184.)*

#### ARTICLES.

- |                                     |                                 |
|-------------------------------------|---------------------------------|
| I. Commercial relations.            | III. Equality of duties.        |
| II. Importation of opium forbidden. | IV. Trials of actions in China. |

The President of the United States of America and His Imperial Majesty the Emperor of China, because of certain points of incompleteness in the existing Treaties between the two governments, have named as their commissioners plenipotentiary:—that is to say

The President of the United States, James B. Angell of Michigan, John F. Swift of California, and William Henry Trescot of South Carolina;

His Imperial Majesty, the Emperor of China, Pao Chün, a Member of His Imperial Majesty's Privy Council and Superintendent of the Board of Civil Office, and Li Hungtsao, a Member of His Imperial Majesty's Privy Council, who have agreed upon and concluded the following additional articles.

## ARTICLE I.

The Governments of the United States and China, recognizing the benefits of their past commercial relations, and in order still further to promote such relations between the citizens and subjects of the two Powers, mutually agree to give the most careful and favorable attention to the representations of either as to such special extension of commercial intercourse as either may desire.

## ARTICLE II.

The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States; and citizens of the United States shall not be permitted to import opium into any of the open ports of China, to transport it from one open port to any other open port, or to buy and sell opium in any of the open ports of China. This absolute prohibition which extends to vessels owned by the citizens or subjects of either Power, to foreign vessels employed by them, or to vessels owned by the citizens or subjects of either Power, and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States; and the benefits of the favored nation clause in existing Treaties shall not be claimed by the citizens or subjects of either Power as against the provisions of this article.

## ARTICLE III.

His Imperial Majesty, the Emperor of China hereby promises and agrees that no other kind or higher rate of tonnage dues, or duties for imports or exports, or coastwise trade shall be imposed or levied in the open ports of China upon vessels wholly belonging to citizens of the United States, or upon the produce manufactures or merchandise imported in the same from the United States, or from any foreign country; or upon the produce manufactures or merchandise exported in the same to the United States or to any foreign country, or transported in the same from one open port of China to another, than are imposed or levied on vessels or cargoes of any other nation or on those of Chinese subjects.

The United States hereby promise and agree that no other kind or higher rate of tonnage dues or duties for imports shall be imposed or levied in the ports of the United States upon vessels wholly belonging to the subjects of His Imperial Majesty, and coming either directly or by way of any foreign port, from any of the ports of China which are open to foreign trade, to the ports of the United States, or returning therefrom either directly or by way of any foreign port, to any of the open ports of China; or upon the produce, manufactures, or merchandise imported in the same from China or from any foreign country, than are imposed or levied on vessels of other nations which make no discrimination against the United States in tonnage dues or duties on imports, exports, or coastwise trade; or than are imposed or levied on vessels and cargoes of citizens of the United States.

## ARTICLE IV.

When controversies arise in the Chinese Empire between citizens of the United States and subjects of His Imperial Majesty, which need to be examined and decided by the public officers of the two nations,

it is agreed between the Governments of the United States and China that such cases shall be tried by the proper official of the nationality of the defendant. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interests of justice. If he so desires, he shall have the right to present, to examine and to cross examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail. The law administered will be the law of the nationality of the officer trying the case.

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking in English and Chinese, being three originals of each text, of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from the date of its execution.

Done at Peking this seventeenth day of November, in the year of our Lord, 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

JAMES B. ANGELL.	[SEAL.]
JOHN F. SWIFT.	[SEAL.]
W <sup>m</sup> . HENRY TRECOT.	[SEAL.]
PAO CHÜN.	
LI HUNGSAO.	
	[SEAL.]

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1894.

#### CONVENTION REGULATING CHINESE IMMIGRATION.

*Concluded March 17, 1894; ratification advised by the Senate August 13, 1894; ratified by the President August 22, 1894; ratifications exchanged December 7, 1894; proclaimed December 8, 1894. (U. S. Stats., Vol. 29, p. 1210.)*

#### ARTICLES.

- |  |   |
|--|---|
| I. Immigration of Chinese laborers prohibited for ten years. | IV. Protection of Chinese in the United States. |
| II. Regulations for return to the United States.             | V. Registration of citizens in China.           |
| III. Classes of Chinese not affected.                        | VI. Duration.                                   |

Whereas, on the 17<sup>th</sup> day of November A. D. 1880, and of Kwanghsü, the sixth year, tenth moon, fifteenth day, a Treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States;

And whereas the two Governments desire to co-operate in prohibiting such immigration, and to strengthen in other ways the bonds of friendship between the two countries;

And whereas the two Governments are desirous of adopting reciprocal measures for the better protection of the citizens or subjects of each within the jurisdiction of the other;

Now, therefore, the President of the United States has appointed Walter Q. Gresham, Secretary of State of the United States, as his Plenipotentiary, and His Imperial Majesty, the Emperor of China has appointed Yang Yü, Officer of the second rank, Sub-Director of the Court of Sacrificial Worship, and Envoy Extraordinary and Minister Plenipotentiary to the United States of America, as his Plenipotentiary; and the said Plenipotentiaries having exhibited their respective Full Powers found to be in due and good form, have agreed upon the following articles:

#### ARTICLE I.

The High Contracting Parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this Convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

#### ARTICLE II.

The preceding Article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement. Nevertheless every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this Treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this Treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return—which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

#### ARTICLE III.

The provisions of this Convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travellers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided viséd by the diplomatic or consular representative of the United States in the country or port whence they depart.



It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

#### ARTICLE IV.

In pursuance of Article III of the Immigration Treaty between the United States and China, signed at Peking on the 17<sup>th</sup> day of November, 1880, (the 15<sup>th</sup> day of the tenth month of Kwanghsü, sixth year) it is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

#### ARTICLE V.

The Government of the United States, having by an Act of the Congress, approved May 5, 1892, as amended by an Act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first named Act to be registered as in said Acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled, (not merchants as defined by said Acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this Convention, and annually, thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business, together with their body and household servants.

#### ARTICLE VI.

This Convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and, if six months before the expiration of the said period of ten years, neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

In faith whereof, we, the respective plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done, in duplicate, at Washington, the 17<sup>th</sup> day of March, A. D. 1894.

WALTER Q. GRESHAM [SEAL.]  
YANG YÜ. • [SEAL.]

# COLOMBIA.

The Republic of Colombia, established in 1819, was divided in November, 1831, into three independent republics, New Grenada, Venezuela, and Ecuador. In 1862 its name was changed to the United States of Colombia, and in 1886 the States were abolished and the country became the Republic of Colombia. The treaties with New Grenada are given in chronological order with those of Colombia.

1824.

## TREATY OF AMITY, COMMERCE, AND NAVIGATION.

*Concluded October 3, 1824; ratification advised by the Senate March 3, 1825; ratified by the President March 7, 1825; ratifications exchanged May 27, 1825; proclaimed May 31, 1825. (Treaties and Conventions, 1889, p. 186.)*

This treaty of thirty-one articles expired by its own limitation October 3, 1836.

## (NEW GRANADA).

1846.

## TREATY OF PEACE, AMITY, NAVIGATION, AND COMMERCE.

*Concluded December 12, 1846; ratification advised by the Senate June 3, 1848; ratified by the President June 10, 1848; ratifications exchanged June 10, 1848; proclaimed June 12, 1848. (Treaties and Conventions, 1889, p. 195.)*

### ARTICLES.

I. Amity.	XX. Blockade.
II. Most-favored-nation clause.	XXI. Visitation and search.
III. Commerce and navigation.	XXII. Proof of nationality of vessels.
IV. Mutual privileges of shipping.	XXIII. Vessels under convoy.
V. Customs duties.	XXIV. Prize cases.
VI. Declaration of reciprocal treatment.	XXV. Conduct of hostilities.
VII. Freedom of trade.	XXVI. Letters of marque.
VIII. Embargo.	XXVII. Protection in case of war.
IX. Asylum to vessels.	XXVIII. Confiscation prohibited.
X. Captures by pirates.	XXIX. Diplomatic privileges.
XI. Shipwrecks.	XXX. Consular officers.
XII. Disposal of property.	XXXI. Consular rights.
XIII. Mutual protection.	XXXII. Consular exemptions.
XIV. Religious freedom.	XXXIII. Deserters from ships.
XV. Neutrality; free ships, free goods.	XXXIV. Agreement for consular convention.
XVI. Enemy's property.	XXXV. Isthmus of Panama; duration; violations.
XVII. Contraband goods.	XXXVI. Ratification.
XVIII. Trade by neutrals	Additional article. Acceptance of nationality of vessels.
XIX. Confiscation of contraband.	

The United States of North America and the Republic of New Granada in South America, desiring to make lasting and firm the friendship and good understanding which happily exist between both nations



have resolved to fix in a manner clear, distinct and positive, the rules which shall in future be religiously observed between each other by means of a treaty, or general convention of peace and friendship, commerce and navigation.

For this desirable object the President of the United States of America has conferred full powers on Benjamin A. Bidlack a citizen of the said States and their Chargé d' Affaires in Bogotá, and the President of the Republic of New Granada has conferred similar and equal powers upon Manuel Maria Mallarino Secretary of State and foreign relations, who, after having exchanged their said full powers in due form, have agreed to the following articles.

#### ARTICLE 1<sup>st</sup>.

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of New Granada, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons or places.

#### ARTICLE 2<sup>d</sup>.

The United States of America and the Republic of New Granada, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

#### ARTICLE 3<sup>rd</sup>.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures and merchandize; and that they shall enjoy, all the rights, privileges and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively according to their own separate laws.

#### ARTICLE 4<sup>th</sup>.

They likewise agree that whatever kind of produce, manufacture or merchandize of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of New Granada; and that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And in like manner, that whatever kind of produce, manufactures or merchandize of any foreign country, can be from time to time lawfully imported into the

Republic of New Granada, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties, upon the tonnage of the vessel and her cargo, shall be levied or collected, whether the importation be made in vessels of the one country or the other.

And they further agree, that whatever may be lawfully exported or re-exported from the one country, in its own vessels to any foreign country, may in like manner be exported or reexported in the vessels of the other country. And the same bounties, duties and drawbacks, shall be allowed and collected, whether such exportation or reexportation be made in vessels of the United States or of the Republic of New Granada.

#### ARTICLE 5<sup>th</sup>.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufacture of the Republic of New Granada, and no higher or other duties shall be imposed on the importation into the Republic of New Granada of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Republic of New Granada respectively, than such as are payable on the exportation of the like articles to any other foreign country, nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States or of the Republic of New Granada to or from the territories of the United States or to or from the territories of the Republic of New Granada which shall not equally extend to all other nations.

#### ARTICLE 6<sup>th</sup>.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of New Granada, and reciprocally to the vessels of the said Republic of New Granada and their cargoes arriving in the ports of the United States; whether they proceed from the ports of the country to which they respectively belong, or from the ports of any other foreign country; and in either case no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

#### ARTICLE 7<sup>th</sup>.

It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries to manage by themselves or agents their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandize by whole sale or retail, as with respect to the loading, unloading and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

ARTICLE 8<sup>th</sup>.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandize or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

ARTICLE 9<sup>th</sup>.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or assylum in the rivers, bays, ports or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind or the payment of port fees or any charges other than pilotage, except such vessels continue in port longer than forty eight hours counting from the time they cast anchor in port.

ARTICLE 10<sup>th</sup>.

All the ships, merchandize and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights, before the competent tribunals: it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE 11<sup>th</sup>.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens: permitting them to unload the said vessel, if necessary, of its merchandize and effects, without exacting for it any duty, impost or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ARTICLE 12<sup>th</sup>.

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein said goods are, shall be subject to pay in like cases.

ARTICLE 13<sup>th</sup>.

Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country; for which purpose they may either appear in proper person or employ in the prosecution or defense of their rights such advocates, solicitors, notaries, agents and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE 14<sup>th</sup>.

The citizens of the United States residing in the territories of the Republic of New Granada, shall enjoy the most perfect and entire security of conscience without being annoyed prevented, or disturbed on account of their religious belief. Neither shall they be annoyed, molested or disturbed on the proper exercise of their religion in private houses or in the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship, and the respect due to the laws, usages and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of New Granada in convenient and adequate places to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in anywise nor upon any account.

In like manner the citizens of New Granada shall enjoy, within the Government and territories of the United States, a perfect and unrestrained liberty of conscience and of exercising their religion, publicly or privately, within their own dwelling houses, or on the chapels and places of worship appointed for that purpose, agreeably to the laws, usages & customs of the United States.

ARTICLE 15<sup>th</sup>.

It shall be lawful for the citizens the United States of America and of the Republic of New Granada to sail their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandize laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandize before mentioned and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one

power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which shall be found on board the ships belonging to the citizens of either of the contracting parties, shall be deemed to be free and exempt, although the whole lading or any part thereof should appertain to the enemies of either (contraband goods being always excepted.) It is also agreed in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers and soldiers, and in the actual service of the enemies: provided however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only, who recognize this principle, but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle and not of others.

#### ARTICLE 16<sup>th</sup>.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels, shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandise of the neutral embarked on such enemy's ship shall be free.

#### ARTICLE 17<sup>th</sup>.

This liberty of navigation and commerce shall extend to all kinds of merchandize, excepting those only which are distinguished by the name of *contraband*; and under this name of *contraband*, or prohibited goods, shall be comprehended.

1<sup>st</sup>. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts; and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2<sup>nd</sup>. Bucklers, helmets, breast plates, coats of mail, infantry belts, and clothes made up in the form and for the military use.

3<sup>d</sup>. Cavalry belts, and horses with their furniture.

4<sup>th</sup>. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared and formed, expressly to make war by sea or land.

5<sup>th</sup>. Provisions that are imported into a besieged or blockaded place.

#### ARTICLE 18<sup>th</sup>.

All other merchandize and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest



manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged, or blockaded, which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

#### ARTICLE 19<sup>th</sup>.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

#### ARTICLE 20<sup>th</sup>.

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged or blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting that place with her cargo, nor if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

#### ARTICLE 21<sup>st</sup>.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, unless in stress of weather, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, for which the commanders of said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.



ARTICLE 22<sup>nd</sup>.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear, that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed, that when such ships have a cargo, they shall also be provided, besides the said sea letters or passports, with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known, whether any forbidden or contraband goods are on board the same, which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form, without which requisites, said vessel may be detained, to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident and shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE 23<sup>d</sup>.

It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy, and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE 24<sup>th</sup>.

It is further agreed, that, in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE 25<sup>th</sup>.

For the purpose of lessening the evils of war, the two high contracting parties, further agree that, in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defense of property.

ARTICLE 26<sup>th</sup>.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or cooperating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

ARTICLE 27<sup>th</sup>.

If by any fatality which cannot be expected, and God forbid, the two contracting parties should be engaged in a war with each other, they have agreed and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safeconduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States or of New Granada, shall be respected, and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct, shall cause them to forfeit this protection, which in consideration of humanity, the contracting parties engage to give them.

ARTICLE 28<sup>th</sup>.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor money which they may have in public funds, nor in public or private banks, shall ever in any event of war or of national difference be sequestered or confiscated.

ARTICLE 29<sup>th</sup>.

Both the contracting parties being desirous of avoiding all inequality, in relation to their public communications and official intercourse, have agreed and do agree to grant to the envoys, ministers, and other public agents, the same favors, immunities and exemptions, which those of the most favored nations do or shall enjoy, it being understood that, whatever favors, immunities or privileges, the United States of America or the Republic of New Granada may find it proper to give to the ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE 30<sup>th</sup>.

To make mor effectual the protection which the United States and the Republic of New Granada shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Viceconsuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Viceconsuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.<sup>1</sup>

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<sup>1</sup> See Treaty of May 4, 1850, p. 137.

ARTICLE 31<sup>st</sup>.

In order that the Consuls and Viceconsuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form to the Government to which they are accredited, and having obtained their *Exequatur*, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.<sup>1</sup>

ARTICLE 32<sup>d</sup>.

It is likewise agreed that the Consuls, their Secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants native and foreign of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext, whatever, shall any magistrate seize, or, in any way, interfere with them.<sup>1</sup>

ARTICLE 33<sup>d</sup>.

The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand so proved (saving however where the contrary is proved by other testimonies) the delivery shall not be refused: Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.<sup>1</sup>

ARTICLE 34<sup>th</sup>.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form as soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers and immunities of the Consuls and Viceconsuls of the respective parties.<sup>1</sup>

ARTICLE 35<sup>th</sup>.

The United States of America and the Republic of New Granada desiring to make as durable as possible, the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points.

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<sup>1</sup> See Treaty of May 4, 1850, p. 137.

1<sup>st</sup>. For the better understanding of the preceding articles, it is, and has been stipulated, between the high contracting parties, that the citizens, vessels and merchandize of the United States shall enjoy in the ports of New Granada, including those of the part of the granadian territory generally denominated *Isthmus of Panamá*, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges and immunities, concerning commerce and navigation, which are now, or may hereafter be enjoyed by Granadian citizens, their vessels and merchandize; and that this equality of favors shall be made to extend to the passengers, correspondence and merchandize of the United States in their transit across the said territory, from one sea to the other. The Government of New Granada guarantees to the Government of the United States, that the right of way or transit across the *Isthmus of Panamá* upon any modes of communication that now exist, or that may be, hereafter, constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures or merchandize, of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandize thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is under like circumstances levied upon and collected from the granadian citizens: that any lawful produce, manufactures or merchandize belonging to citizens of the United States, thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import duties whatever; or having paid such duties, they shall be entitled to drawback, upon their exportation: nor shall the citizens of the United States be liable to any duties, tolls, or charges of any kind to which native citizens are not subjected for thus passing the said Isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favours they have acquired by the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> articles of this Treaty, the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the beforementioned Isthmus, with the view that the free transit from the one to the other sea, may not be interrupted or embarrassed in any future time while this Treaty exists; and in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

2<sup>d</sup>. The present Treaty shall remain in full force and vigor for the term of twenty years, from the day of the exchange of the ratifications; and, from the same day, the treaty that was concluded between the United States and Colombia on the 13<sup>th</sup> of October 1824, shall cease to have effect, notwithstanding what was disposed in the 1<sup>st</sup> point of its 31<sup>st</sup> article.

3<sup>rd</sup>. Notwithstanding the foregoing, if neither party notifies to the other its intention of reforming any of, or all, the articles of this treaty twelve months before the expiration of the twenty years, stipulated above, the said treaty shall continue binding on both parties, beyond the said twenty years, until twelve months from the time that one of the parties notifies its intention of proceeding to a reform.

4<sup>th</sup>. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally

responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

5<sup>th</sup>. If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

6<sup>th</sup>. Any special or remarkable advantage that one or the other power may enjoy, from the foregoing stipulations, are and ought to be always understood in virtue and as in compensation of the obligations they have just contracted and which have been specified in the first number of this article.

#### ARTICLE 36<sup>th</sup>.

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the senate thereof; and by the President of the Republic of New Granada with the consent and approbation of the Congress of the same, and the ratifications shall be exchanged in the city of Washington, within eighteen months from the date of the signature thereof, or sooner, if possible.

In faith whereof, we the Plenipotentiaries of the United States of America, and of the Republic of New Granada have signed and sealed these presents in the city of Bogotá, on the twelfth day of December, in the year of Our Lord one thousand eight hundred and forty six.

B A. BIDLACK      [SEAL.]  
M M MALLARINO    [SEAL.]

#### ADDITIONAL ARTICLE

The Republics of the United States and of New Granada will hold and admit as national ships of one or the other, all those that shall be provided by the respective Government with a Patent issued according to its laws.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the Treaty signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done in the city of Bogota, the twelfth day of December, in the year of Our Lord one thousand eight hundred and forty six.

[SEAL.]  
[SEAL.]

B A BIDLACK  
M M MALLARINO



1850.

## CONSULAR CONVENTION.

*Concluded May 4, 1850; ratification advised by the Senate September 24, 1850; ratified by the President November 14, 1850; ratifications exchanged October 30, 1851; proclaimed December 5, 1851. (Treaties and Conventions, 1889, p. 206.)*

## ARTICLES.

- |                                   |                              |
|-----------------------------------|------------------------------|
| I. Officers authorized.           | VI. Legal status of consuls. |
| II. Exequaturs.                   | VII. Passports.              |
| III. Functions.                   | VIII. Ratification.          |
| IV. Good offices.                 | IX. Duration.                |
| V. Prerogatives, exemptions, etc. |                              |

In the name of the Most Holy Trinity.—

The Governments of the Republics of New Granada and the United States of America, having engaged by the thirty-fourth article<sup>1</sup> of the Treaty of Peace, amity, navigation and commerce, concluded on the 12 of December 1846, to form a Consular Convention, which shall declare specially, the powers and immunities of the Consuls and Vice Consuls of the respective parties, in order to comply with this article and more effectively to protect their commerce and navigation, they have given adequate authority to their respective plenipotentiaries,—to wit: the Government of New Granada to Raphael Rivas its Chargé d'affaires in the United States, and the Government of the United States to John M. Clayton, Secretary of State, who after the exchange and examination of their full powers, found to be sufficient and in due form, have agreed upon the following articles.—

## ARTICLE I.

Each of the two contracting Republics may maintain in the principal cities, or commercial places of the other, and in the ports open to foreign commerce, Consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties, to which they may be exposed. They may likewise appoint Consuls General, as Chiefs over the other Consuls, or to attend to the affairs of several commercial places at the same time, and Vice Consuls for Ports of minor importance, or to act under the direction of the Consuls. Each Republic may however except those cities, places or ports in which it may consider the residence of such functionaries inconvenient; such exception being common to all nations. All that is said in this Convention of Consuls in general, shall be considered as relating not only to Consuls properly so called, but to Consuls General and Vice Consuls, in all the cases to which this Convention refers.

## ARTICLE II.

The Consuls appointed by one of the contracting parties to reside in the ports or places of the other, shall present to the Government of the Republic in which they are to reside their letters patent or

<sup>1</sup>See Article XXXIV, p. 134.



commission, in order that they may receive the proper *exequatur* if it be deemed expedient to give it, which shall be granted without any charge; and this *exequatur* when obtained, is to be exhibited to the chief authorities of the place in which the Consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogatives, in his respective Consular district. The government receiving the Consul may withdraw the *exequatur* or his Consular commission, whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.

### ARTICLE III.

The Consuls admitted in either Republic may exercise in their respective districts the following functions.—

1. They may apply directly to the authorities of the district in which they reside, and they may in case of necessity have recourse to the national Government, through the diplomatic agent of their nation, if there be any, or directly, if there be no such agent, in complaint against any infraction of the treaties of commerce, committed by the authorities or persons employed by them, in the Country to the injury of the commerce of the nation in whose service the Consul is engaged.

2<sup>d</sup> They may apply to the authorities of the Consular District, and in case of necessity they may have recourse to the national Government through the diplomatic agent of their nation if there be any or directly if there be no such agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the Consul is engaged, and they may when necessary take such measures as may be proper to prevent justice from being denied to them or delayed, and to prevent them from being judged or punished by any other than competent judges and agreeably to the laws in force.

3<sup>d</sup> They may as the natural defenders of their fellowcountrymen, appear in their name and behalf, whenever so requested by them before their respective authorities of the place in all cases in which their support may be necessary.

4. They may accompany the Captains, mates or masters of vessels of their nation, in all that they may have to do, with regard to the manifests of their merchandise, and other documents, and be present in all cases, in which the authorities Courts or Judges of the Country may have to take any declarations from the persons above mentioned or any other belonging to their respective crews.

5. They may receive depositions protests and statements from Captains, mates and masters of vessels of their nation, respecting losses and injuries sustained at sea, and protests of any individuals of their nation respecting mercantile affairs. These documents, drawn up in authentic copies certified by the Consul, shall be admitted in the Courts and offices of justice, and shall have the same validity as if they had been authenticated before the same Judges or Courts.

6. They may determine on all matters relating to injuries sustained at Sea by effects and merchandise shipped in vessels of the nation in whose service the Consul is employed, arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers owners and insurers. But if among the per-

sons interested in such losses and injuries, there should be inhabitants of the country where the Consul resides and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains, to the local authorities.

7. They may compromise amicably and out of Court, the differences arising between their fellow countrymen; provided that those persons, agree voluntarily to submit to such arbitration; in which case, the document containing the decision of the Consul authenticated by himself and by his chancellor or Secretary, shall have all the force of a notarial copy authenticated so as to render it obligatory on the interested parties.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers and the members of the crew, unless the disorders taking place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the Consul is employed; in which case the local authorities may interfere.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the Consul resides. In such cases the local authorities shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the Consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

10. They may take possession, make inventories, appoint appraisers to estimate the value of articles and proceed to the sale of the moveable property of individuals of their nation who may die in the country where the Consul resides, without leaving executors appointed by their will or heirs at law. In all such proceedings, the Consul shall act in conjunction with two merchants, chosen by himself, for drawing up the said papers or delivering the property or the produce of its sales, observing the laws of his country and the orders which he may receive from his own Government; but Consuls shall not discharge these functions in those States whose peculiar legislation may not allow it. Whensoever there is no Consul in the place where the death occurs, the local authorities shall take all the precautions in their power to secure the property of the deceased.

11. They may demand from the local authorities the arrest of seamen deserting from the vessels of the nation in whose service the Consul is employed, exhibiting, if necessary, the register of the vessel, her muster roll, and any other official document in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the Consul, but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur they shall be kept in arrest, at the expense of the Consul for two months; and if at the expiration of that time, they should not have been sent away, they shall be set at liberty by the respective authorities and cannot again be arrested for the same cause.

12. They may give such documents as may be necessary for the intercourse between the two countries and countersign those which may have been given by the authorities. They may also give bills of

health, if necessary, to vessels sailing from the port where the Consul resides to the ports of the nation to which he belongs; they may also certify invoices, muster rolls, and other papers, necessary for the commerce and navigation of vessels.

13. They may appoint a chancellor, or Secretary, whensoever the Consulate has none and one is required for authenticating documents.

14. They may appoint Commercial agents to employ all the means in their power, in behalf of individuals of the nation in whose service the Consul is, and for executing the Commissions which the Consul may think proper to intrust to them out of the place of his residence; provided however, that such agents are not to enjoy the prerogatives conceded to Consuls, but only those which are peculiar to commercial agents.

#### ARTICLE IV.

The Consuls of one of the contracting Republics residing in another country may employ their good offices in favor of individuals of the other Republic which has no Consul in that country.

#### ARTICLE V.

The contracting Republics recognize no diplomatic character in Consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but in order that the said Consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives.

1. The archives and papers of the Consulate shall be inviolable and cannot be seized by any functionary of the country in which they may be.

2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the State in whose territory they reside.

3. The Consuls and their Chancellors or Secretaries shall be exempt from all public service and from contributions personal and extraordinary imposed in the country where they reside. This exemption does not comprehend the Consuls or their Chancellors or Secretaries who may be natives of the country in which they reside.

4. Whenever the presence of Consuls may be required in Courts or offices of Justice, they shall be summoned in writing.

5. In order that the dwellings of Consuls may be easily and generally known, for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag and to place over their doors the coat of arms of the nation in whose service the Consul may be, with an inscription expressing the functions discharged by him; but those insignia shall not be considered as importing a right of asylum, nor as placing the house or its inhabitants beyond the authority of the magistrates who may think proper to search them, and who shall have that right in regard to them in the same manner as with regard to the houses of the other inhabitants in the cases prescribed by the laws.

#### ARTICLE VI.

The persons and dwellings of Consuls shall be subject to the laws and authorities of the country in all cases in which they have not received a special exemption by this Convention, and in the same manner as the other inhabitants.

ARTICLE VII.

Consuls shall not give passports to any individual of their nation or going to their nation who may be held to answer before any authority, Court or Judge of the country for delinquencies committed by them or for a demand which may have been legally acknowledged provided that in each case proper notice thereof shall have been given to the Consul; and they shall see that the vessels of their nation do not infringe the rules of neutrality when the nation in which the Consul resides is at war with another nation.

ARTICLE VIII

The present Convention shall be ratified by the Governments of the two contracting Republics and the ratifications shall be exchanged at Bogotá, within the term of eighteen months counted from this date, or sooner if possible.

ARTICLE IX.

The present Convention shall be binding upon the contracting parties so long as the Treaty of Peace, Friendship, Navigation and Commerce between the United States and New Granada, the ratifications of which were exchanged at Washington on the tenth of June, one thousand eight hundred and forty eight, shall remain in force.

In faith whereof, we, the Plenipotentiaries of the United States and of New Granada have signed the present and have affixed to it our respective seals at Washington, the fourth day of May, in the year of our Lord one thousand eight hundred and fifty.

JOHN M. CLAYTON [SEAL.]  
RAFAEL RIVAS [SEAL.]

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1857.

CLAIMS CONVENTION.

*Concluded September 10, 1857; ratification advised by the Senate with amendments March 8, 1859; ratified by the President March 12, 1859; time for exchange of ratifications extended by the Senate May 8, 1860; ratifications exchanged November 5, 1860; proclaimed November 8, 1860. (Treaties and Conventions, 1889, p. 210.)*

The commission under this treaty met at Washington June 10, 1861, and adjourned March 9, 1862. Amount of awards \$496,235.47. Not having completed all the cases presented to them, the following treaty was concluded, extending the commission.

## (COLOMBIA.)

1864.

## CLAIMS CONVENTION.

*Concluded February 10, 1864; ratification advised by the Senate June 10, 1864; ratified by the President July 9, 1864; time for exchange of ratifications extended by the Senate June 25, 1864; ratifications exchanged August 19, 1865; proclaimed August 19, 1865. (Treaties and Conventions, 1889, p. 213.)*

Under this convention a new commission was organized, which met at Washington August 4, 1865, and adjourned May 19, 1866. The awards amounted to \$88,267.68.

1888.

## EXTRADITION CONVENTION.

*Concluded May 7, 1888; ratification advised by the Senate with amendments March 26, 1889; ratification with amendments proposed by Colombia advised by the Senate February 27, 1890; ratified by the President March 12, 1890; ratifications exchanged November 12, 1890; proclaimed February 6, 1891. (U. S. Stats. Vol. 26, p. 1534.)*

## ARTICLES.

- |                                    |                                 |
|------------------------------------|---------------------------------|
| I. Reciprocal delivery of accused. | VIII. Evidence required.        |
| II. Extraditable crimes.           | IX. Delivery of foreigners.     |
| III. Proceedings.                  | X. Persons not to be delivered. |
| IV. Persons under arrest.          | XI. Persons under obligations.  |
| V. Political offenses.             | XII. Expenses.                  |
| VI. Requisitions and surrender.    | XIII. Duration; ratification.   |
| VII. Temporary detention.          |                                 |

The President of the United States of America, and the President of the Republic of Colombia, with the view of facilitating the administration of justice and to insure the suppression of crimes, which may be committed within the territories and jurisdictions of the two countries and the perpetrators of which may attempt to escape punishment by leaving one country, and taking refuge in the other, have agreed to conclude a Convention establishing rules for the reciprocal extradition of persons accused or convicted of the crimes hereinafter enumerated.

And they have for that purpose authorized and empowered their respective Plenipotentiaries, to wit:—The President of the United States of America—John G. Walker, Chargé d’Affaires *ad interim*, and the President of the Republic of Colombia—Vicente Restrepo, Minister of Foreign Affairs, who after communicating to each other their respective full powers, which are found to be in due form, have agreed upon the following articles:

## ARTICLE I.

The Government of the United States of America, and the Government of the Republic of Colombia, under the restrictions and limitations hereinafter contained, agree to deliver, reciprocally, all persons

accused, or convicted, as principals or accessories, of any of the crimes mentioned in Article II of this Convention, committed within territories or jurisdiction of the one and who are found within the territories or jurisdiction of the other Government.

## ARTICLE II.

The crimes for which extradition is to be reciprocally accorded, are as follows:

1. Murder and attempts to commit murder, by assault, poison or otherwise.

2. Counterfeiting, or altering money, or knowingly uttering or bringing into circulation counterfeit or altered money; counterfeiting or altering certificates or coupons of public indebtedness, bank notes or other instruments of public credit; or knowingly uttering or circulating the same.

3. Forgery, or altering, or uttering what is forged or altered.

4. Embezzlement, being the criminal misapplication of public or private funds, documents or property; or the funds, documents or property of municipal or other corporations, held in trust by a public officer, or as a fiduciary agent, or a confidential employé.

5. Robbery.

6. Burglary, defined to be the breaking into or entering, either in day or night time, the house, office or other building of a government, corporation or private person, with the intent of committing a felony therein.

7. Perjury, or the subornation of perjury

8. Rape,

9. Arson

10. Piracy, as defined by the Law of Nations.

11. Murder, manslaughter, or assault with intent to kill, on the high seas, on board of vessels sailing under the flag of the demanding party.

12. Malicious destruction, or attempted destruction, of railways, bridges, tramways, vessels, dwellings, public edifices, or other buildings, when the act endangers human life.

## ARTICLE III.

When the extradition of a criminal, charged or convicted of any of the foregoing offenses, is demanded, it must be supported by the production of a duly authenticated warrant of arrest, made in accordance with the laws of the country making the demand, and the depositions upon which it is based. If the person whose extradition is demanded has already been convicted, the demand must be accompanied by a duly authenticated copy of the sentence of the court in which he was convicted, and with the attestation of the proper executive authority; the latter of which must be certified by the Minister or Consul of the Government upon which the demand is made.

## ARTICLE IV.

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition, or to proceed with the trial: Provided, that unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.



## ARTICLE V

If it be made to appear that the extradition is sought with the view of trying or punishing the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for a political offense, committed previously to extradition, or for any offense other than that for which extradition was granted.

## ARTICLE VI

The requisition for extradition shall be made through the diplomatic agents of the contracting parties, or in the event of the absence of these from the country or from the seat of government, by superior consular officers. The fugitive shall be surrendered only on such evidence of criminality as would justify his arrest and trial under the laws of the country where he is found, had the crime been there committed.

## ARTICLE VII

On being informed by telegraph, or other written communication, through the diplomatic channel, that a lawful warrant has been issued, by a competent authority, upon probable cause, for the arrest of a fugitive criminal, charged with any of the crimes enumerated in Article II of this Convention, and on being assured, through the same source, that a request for the surrender of such criminal is about to be made, in accordance with the provisions of this Convention, each government will endeavor to procure, so far as it lawfully may, the personal arrest of such criminal, and may keep him in safe custody, for a reasonable time, not exceeding three months, to await the production of the documents, upon which the claim for extradition is founded.

## ARTICLE VIII

When a person is extradited under the formalities prescribed in this Convention, all documents and other objects, which may tend to establish his guilt, may be delivered to the demanding Government, as well as all money or effects which he may have or may have had in his possession or subject to his control, the unlawful possession or taking of which constitutes the offense, in whole or in part, for which his extradition is requested.

## ARTICLE IX

In case a person, who is equally a foreigner in the United States of America and in the Republic of Colombia, takes refuge in either country, after having committed any of the foregoing crimes, within one or the other jurisdiction, extradition can be accorded only after the Government, or its Representative, of which the criminal is a citizen or subject, has been duly informed, and afforded an opportunity to file objections to the extradition.

## ARTICLE X

Neither of the high contracting parties shall be bound to deliver up its own citizens, under the stipulations of this Convention.

## ARTICLE XI

The fact that the person whose extradition is demanded, has contracted obligations of which extradition would hinder the performance, shall be no bar to his extradition.

## ARTICLE XII

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the Government requesting the extradition.

## ARTICLE XIII

The present Convention shall commence to be effective sixty days after the exchange of ratifications thereof, but offenses committed, anterior to that time, shall furnish no grounds for a demand for extradition. For the termination of this convention twelve months notice must be given by either of the high contracting parties.

This Convention shall be ratified, and the ratifications exchanged in the City of Bogotá, as soon as possible.

In faith whereof, we, the Plenipotentiaries of the United States of America, and of the Republic of Colombia, have signed and sealed these presents, in the City of Bogotá, this seventh day of May in the year of Our Lord one thousand eight hundred and eighty-eight.

[SEAL.]  
[SEAL.]

JOHN G. WALKER.  
VICENTE RESTREPO

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CONGO. (See Kongo.)

COREA. (See Korea.)

# COSTA RICA.

1851.

## TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION.

*Concluded July 10, 1851; ratification advised by the Senate March 11, 1852; ratified by the President May 25, 1852; ratifications exchanged May 26, 1852; proclaimed May 26, 1852. (Treaties and Conventions, 1889, p. 222.)*

### ARTICLES.

- |   |   |
|---|---|
| I. Amity.                               | IX. Exemption from military service, etc. |
| II. Freedom of commerce and navigation. | X. Consular and diplomatic privileges.    |
| III. Most favored nation privileges.    | XI. Rights in case of war.                |
| IV. No discrimination in duties.        | XII. Property rights.                     |
| V. Tonnage duties.                      | XIII. Duration.                           |
| VI. No discrimination on vessels.       | XIV. Ratification.                        |
| VII. Equal trade privileges.            |   |
| VIII. Equal treatment of citizens.      |   |

In the Name of the Most Holy Trinity

Commercial intercourse having been for some time established between the United States and the Republic of Costarica, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States and the said republic, that the relations now subsisting between them, should be regularly acknowledged and confirmed by the signature of a Treaty of Amity, Commerce and Navigation;

For this purpose they have named their respective Plenipotentiaries, that is to say: —

The President of the United States, Daniel Webster, Secretary of State;

And his Excellency the President of the Republic of Costarica, Señor Don Felipe Molina Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States;

Who after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

### ARTICLE I

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Costarica and its citizens on the other.

### ARTICLE II

There shall be between all the territories of the United States and the territories of the Republic of Costarica a reciprocal freedom of commerce. The subjects and citizens of the two countries

respectively shall have liberty freely and securely to come with their ships and cargoes to all places ports and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and ware houses for the purposes of their commerce; and generally the merchants and traders of each nation respectively, shall enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the two countries, respectively.

In like manner the respective ships of war and post office packets of the two countries shall have liberty freely and securely to come to all harbors, rivers and places, to which other foreign ships of war and packets are or may be permitted to come; to enter into the same, to anchor and to remain there and refit, subject always to the laws and statutes of the two countries respectively.

By the right of entering the places ports and rivers mentioned in this Article, the privilege of carrying on the coasting trade is not understood, in which trade national vessels only of the country where the trade is carried on are permitted to engage.

### ARTICLE III

It being the intention of the two High Contracting Parties to bind themselves by the preceding Articles to treat each other on the footing of the most favored nation it is hereby agreed between them, that any favor, privilege or immunity whatever, in matters of commerce and navigation, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other High Contracting Party, gratuitously, if the concession in favor of that other nation shall have been gratuitous; or in return for compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concessions shall have been conditional.

### ARTICLE IV

No higher nor other duties shall be imposed on the importation into the territories of the United States, of any article being of the growth, produce or manufacture of the Republic of Costarica and no higher or other duties shall be imposed on the importation into the territories of the Republic of Costarica of any articles being the growth, produce or manufacture of the territories of the United States than are or shall be payable on the like articles, being the growth produce or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the High Contracting Parties, on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country, nor shall any prohibition be imposed upon the exportation or importation of any articles the growth produce or manufacture of the territories of the United States, or of the Republic of Costarica, to or from the said territories of the United States, or to or from the Republic of Costarica, which shall not equally extend to all other nations.

## ARTICLE V

No higher nor other duties or payments on account of tonnage of light or harbor dues, of pilotage, of salvage in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Costa Rica on vessels of the United States, than those payable in the same ports by Costarican vessels; nor in any of the ports of the United States, on Costarican vessels, than shall be payable in the same ports on vessels of the United States.

## ARTICLE VI

The same duties shall be paid on the importation into the territories of the Republic of Costa Rica, of any article being of the growth, produce or manufacture of the territories of the United States whether such importation shall be made in Costarican or in vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article, being the growth, produce or manufacture of the Republic of Costa Rica, whether such importation shall be made in the United States or in Costarican vessels.

The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Costa Rica, of any articles being the growth, produce or manufacture of the territories of the United States whether such exportations shall be made in Costarican or in United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles, being the growth, produce or manufacture of the Republic of Costa Rica to the territories of the United States, whether such exportations shall be made in United States or in Costarican vessels.

## ARTICLE VII

All merchants, commanders of ships and others citizens of the United States shall have full liberty in all the territories of the Republic of Costa Rica, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Costaricans, nor to pay them any other salary or remuneration than such as is paid in like cases by Costarican citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Costa Rica as they shall see good, observing the laws and established customs of the country. The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Costa Rica under the same conditions.

The citizens of the High Contracting Parties shall reciprocally receive and enjoy full and perfect protection for their persons and property and shall have free and open access to the courts of justice in the said countries, respectively for the prosecution and defence of their just rights; and they shall be at liberty to employ in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

## ARTICLE VIII

In whatever relates to the police of the ports, the lading and unloading of ships, the safety of merchandise, goods and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice; the citizens of the two high contracting parties, shall reciprocally enjoy the same privileges, liberties and rights, as native citizens, and they shall not be charged in any of these respects, with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting of course to the local laws and regulations of each country, respectively.

If any citizen of either of the two High Contracting Parties shall die without will or testament in any of the Territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased; giving proper notice of such nomination to the authorities of the country.

## ARTICLE IX

The citizens of the United States residing in the Republic of Costa Rica, and the citizens of the Republic of Costa Rica residing in the United States, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions or taxes, greater than those that are paid by native citizens of the Contracting Parties respectively.

## ARTICLE X

It shall be free for each of the two High Contracting Parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other Party; but before any Consul shall act as such, he shall, in the usual form be approved and admitted by the Government to which he is sent; and either of the High Contracting Parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Costarican Diplomatic Agents and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the Diplomatic Agents and Consuls of the United States in the Costarican territories shall enjoy according to the strictest reciprocity whatever privileges, exemptions and immunities are or may be granted in the Republic of Costa Rica to the Diplomatic Agents and Consuls of the most favored nation.

## ARTICLE XI

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Costa Rica, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture



# DENMARK.

1826.

## CONVENTION OF FRIENDSHIP, COMMERCE AND NAVIGATION.<sup>1</sup>

*Concluded April 26, 1826; ratification advised by the Senate May 4, 1826; ratified by the President May 6, 1826; ratifications exchanged August 10, 1826; proclaimed October 14, 1826. (Treaties and Conventions, 1889, p. 231.)*

(This convention was abrogated by notice April 15, 1856, and renewed by the convention of April 11, 1857, except Article V.)

### ARTICLES.

- |                                 |                          |
|---------------------------------|--------------------------|
| I. Most favored nation clause.  | VII. Property rights.    |
| II. Freedom of trade.           | VIII. Consular officers. |
| III. Equality as to shipping.   | IX. Consular privileges. |
| IV. Import and export duties.   | X. Consular exemptions.  |
| V. Sound and belts dues.        | XI. Duration.            |
| VI. Trade with Danish colonies. | XII. Ratification.       |

The United States of America and His Majesty, the King of Denmark, being desirous to make firm and permanent the peace and friendship which happily prevail between the two nations, and to extend the commercial relations which subsist between their respective territories and people, have agreed to fix, in a manner clear and positive, the rules which shall in future be observed between the one and the other party, by means of a general convention of friendship, commerce and navigation.—With that object, the President of the United States of America has conferred full powers on Henry Clay, their Secretary of State, and His Majesty, the King of Denmark, has conferred like powers on Peter Pedersen, His Privy Counsellor of Legation, and Minister Resident near the said States, Knight of the Dannebrog, who, after having exchanged their said full powers, found to be in due and proper form, have agreed to the following Articles:

### ARTICLE 1.

The contracting parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favour to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession were freely made, or on allowing the same compensation, if the concession were conditional.

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<sup>1</sup> See Convention of July 11, 1861, p. 159.

Federal cases: *Bartram v. Robertson*, 122 U. S. 116; *Thingvalla Line v U. S.*, 24 Ct. Cl. 255.

## ARTICLE 2.

The contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the Citizens and subjects of each may frequent all the coasts and countries of the other (with the exception hereafter provided for in the sixth article) and reside and trade there in all kinds of produce, manufactures and merchandize, and they shall enjoy all the rights privileges and exemptions, in navigation and commerce, which native Citizens or subjects do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native Citizens or subjects are subjected. But it is understood that this Article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

## ARTICLE 3.

They likewise agree that whatever kind of produce, manufacture, or merchandize, of any foreign country, can be, from time to time, lawfully imported into the United States, in vessels belonging wholly to the Citizens thereof, may be also imported in vessels wholly belonging to the subjects of Denmark; and that no higher or other duties upon the tonnage of the vessel or her Cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufacture or merchandize, of any foreign country, can be, from time to time, lawfully imported into the dominions of the King of Denmark, in the vessels thereof, (with the exception hereafter mentioned in the sixth article) may be also imported in vessels of the United States, and that no higher or other duties, upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country, or of the other. And they further agree that whatever may be lawfully exported or re-exported, from the one country in its own vessels to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportation, be made in vessels of the United States or of Denmark. Nor shall higher or other charges of any kind be imposed, in the ports of one party, on vessels of the other, than are or shall be payable, in the same ports, by native vessels.

## ARTICLE 4.

No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominions of His Majesty, the King of Denmark, and no higher or other duties shall be imposed on the importation into the said Dominions of any article, the produce or manufacture of the United States, than are or shall be payable on the like articles, being the produce or manufacture of any other foreign country. Nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States, or to the dominions of His Majesty, the King of Denmark, respectively, than such as are or may be payable on the exportation of the like articles to any other

foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufacture of the United States or of the dominions of his Majesty, the King of Denmark, to or from the territories of the United States, or to or from the said dominions, which shall not equally extend to all other nations.

#### ARTICLE V.<sup>1</sup>

[Neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favoured nation.]

#### ARTICLE 6.

The present Convention shall not apply to the Northern possessions of His Majesty, the King of Denmark, that is to say, Iceland, the Ferroe Islands, and Greenland; nor to places situated beyond the Cape of Good Hope, the right to regulate the direct intercourse with which possessions and places, is reserved by the parties respectively. And it is further agreed that this Convention is not to extend to the direct trade between Denmark and the West India Colonies of His Danish Majesty, but in the intercourse with those Colonies, it is agreed that whatever can be lawfully imported into or exported from the said Colonies in vessels of one party from or to the ports of the United States, or from or to the ports of any other foreign country, may, in like manner, and with the same duties and charges, applicable to vessel and cargo, be imported into or exported from the said Colonies, in vessels of the other party.

#### ARTICLE 7.

The United States and His Danish Majesty mutually agree that no higher or other duties, charges or taxes of any kind shall be levied in the territories or dominions of either party, upon any personal property, money, or effects of their respective Citizens or subjects, on the removal of the same from their territories or dominions reciprocally, either upon the inheritance of such property, money, or effects, or otherwise than are or shall be payable in each State, upon the same, when removed by a Citizen or subject of such State, respectively.

#### ARTICLE 8.<sup>2</sup>

To make more effectual the protection which the United States and His Danish Majesty shall afford, in future, to the navigation and commerce of their respective Citizens and subjects, they agree mutually to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce; who shall enjoy in them all the rights, privileges and immunities of the Consuls and Vice-Consuls of the most favoured nation, each contracting party, however, remaining at liberty to except those ports and places, in which the admission and residence of such Consuls may not seem convenient.

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<sup>1</sup> Abrogated April 15, 1856, p. 158.

<sup>2</sup> See Convention of July 11, 1861, p. 159.

## ARTICLE 9.

In order that the Consuls and Vice-Consuls of the contracting parties may enjoy the rights, privileges and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their Commission or Patent in due form to the Government to which they are accredited; and, having obtained their Exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the Consular District in which they reside.

## ARTICLE 10.

It is likewise agreed that the Consuls and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts and contributions, except those which they shall be obliged to pay, on account of commerce, or their property, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in everything, besides, subject to the laws of the respective States. The Archives and papers of the Consulate shall be respected inviolably, and, under no pretext, whatever, shall any magistrate seize or in any way interfere with them.

## ARTICLE 11.

The present Convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years; and it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either from the other party, this Convention and all the provisions thereof shall altogether cease and determine.

## ARTICLE 12.

This Convention shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty, the King of Denmark, and the ratifications shall be exchanged in the City of Copenhagen within eight months from the date of the signature hereof, or sooner if possible.

In faith whereof We the Plenipotentiaries of the United States of America and of His Danish Majesty, have signed and sealed these presents.

Done, in triplicate, at the City of Washington on the twenty-sixth day of April, in the year of our Lord, one thousand eight hundred and twenty six, in the fiftieth year of the Independence of the United States of America.

H. CLAY	[SEAL.]
P <sup>r</sup> . PEDERSEN	[SEAL.]

## ADDENDUM.

*Mr. Clay to Mr. Pedersen.*DEPARTMENT OF STATE,  
*Washington, April 25, 1826.*

The undersigned, Secretary of State of the United States, by direction of the President thereof, has the honor to state to Mr. Pedersen, Minister Resident of His Majesty the King of Denmark, that it would have been satisfactory to the Government of the United States if Mr. Pedersen had been charged with instructions in the negotiation which has just terminated, to treat of the indemnities to citizens of the United States, in consequence of the seizure, detention, and condemnation of their property in the ports of His Danish Majesty. But as he has no instructions to that effect, the undersigned is directed, at and before proceeding to the signature of the Treaty of Friendship, Commerce, and Navigation on which they have agreed, explicitly to declare, that the omission to provide for those indemnities is not hereafter to be interpreted as a waiver or abandonment of them by the Government of the United States, which, on the contrary, is firmly resolved to persevere in the pursuit of them, until they shall be finally arranged, upon principles of equity and justice. And, to guard against any misconception of the fact of the silence of the Treaty in the above particular, or of the views of the American Government, the undersigned requests that Mr. Pedersen will transmit this official declaration to the Government of Denmark. And he avails himself of this occasion to tender to Mr. Pedersen assurances of his distinguished consideration.

H. CLAY.

The Chevalier PEDERSEN,  
*Minister Resident from Denmark.*

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*The Chevalier Peter Pedersen to Mr. Clay.*

WASHINGTON, 25th April 1826.

The undersigned, Minister Resident of His Majesty the King of Denmark, has the honour, herewith, to acknowledge having received Mr. Clay's official note of this day, declaratory of the advanced claims against Denmark, not being waived on the part of the United States, by the Convention agreed upon, and about to be signed, which note he, as requested, will transmit to his Government. And he avails himself of this occasion to renew to Mr. Clay assurances of his distinguished consideration.

P. PEDERSEN.

To the Hon. HENRY CLAY,  
*Secretary of State of the United States.*

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1830.

## CLAIMS CONVENTION.

*Concluded March 28, 1830; ratification advised by the Senate May 29, 1830; ratified by the President June 2, 1830; ratifications exchanged June 5, 1830; proclaimed June 5, 1830. (Treaties and Conventions, 1889, p. 235.)*

By this convention Denmark renounced the claims of its subjects against the United States and agreed to pay an indemnity of \$650,000 for claims of United States citizens. The commission provided for met in Washington April 4, 1831, and held its last session March 23, 1833.

1857.

## CONVENTION DISCONTINUING THE SOUND DUES.

*Concluded April 11, 1857; ratifications advised by the Senate January 5, 1858; ratified by the President January 7, 1858; ratifications exchanged January 12, 1858; proclaimed January 13, 1858. (Treaties and Conventions, 1889, p. 238.)*

## ARTICLES.

- |                                     |                                |
|-------------------------------------|--------------------------------|
| I. Sound and Belts dues abolished.  | V. Convention of 1826 revived. |
| II. Lights, buoys and pilots.       | VI. Effect.                    |
| III. Payment by the United States.  | VII. Ratification.             |
| IV. Most favored nation privileges. |                                |

The United States of America and his Majesty the King of Denmark, being desirous to terminate amicably the differences which have arisen between them in regard to the tolls levied by Denmark on American vessels and their cargoes passing through the Sound and Belts, and commonly called the Sound Dues, have resolved to conclude a Convention for that purpose, and have named as their plenipotentiaries, that is to say, the President of the United States, Lewis Cass, Secretary of State of the United States, and his Majesty the King of Denmark, Torben Bille, Esquire, Knight of the Dannebrog and decorated with the Cross of Honor of the same order, his said Majesty's Chargé d'Affaires near the Government of the United States; who, after having communicated to each other their full powers, in due form, have agreed to and signed the following articles:

## ARTICLE I.

His Majesty the King of Denmark declares entire freedom of the navigation of the Sound and the Belts in favor of American vessels and their cargoes, from and forever after the day when this Convention shall go into effect as hereinafter provided. And it is hereby agreed that American vessels and their cargoes after that day shall not be subject to any charges whatever in passing the Sound or the Belts, or to any detention in the said waters, and both Governments will concur, if occasion should require it, in taking measures to prevent abuse of the free flag of the United States by the shipping of other nations which shall not have secured the same freedom and exemption from charges enjoyed by that of the United States.

## ARTICLE II.

His Danish Majesty further engages that the passages of the Sound and Belts shall continue to be lighted and buoyed as heretofore without any charge upon American vessels or their cargoes on passing the Sound and the Belts, and that the present establishments of Danish pilots in these waters shall continue to be maintained by Denmark. His Danish Majesty agrees to make such additions and improvements in regard to the lights, buoys and pilot establishments in these waters as circumstances and the increasing trade of the Baltic may require.



He further engages that no charge shall be made, in consequence of such additions and improvements, on American ships and their cargoes passing through the Sound and the Belts.

It is understood, however, to be optional for the masters of American vessels either to employ in the said waters Danish pilots at reasonable rates fixed by the Danish Government, or to navigate their vessels without such assistance.

### ARTICLE III.

In consideration of the foregoing agreements and stipulations on the part of Denmark whereby the free and unincumbered navigation of American vessels through the Sound and the Belts is forever secured, the United States agree to pay to the Government of Denmark, once for all, the sum of seven hundred and seventeen thousand, eight hundred and twenty nine Rix dollars, or its equivalent, three hundred and ninety-three thousand and eleven dollars in United States currency, at London on the day when the said convention shall go into full effect as hereinafterwards provided.

### ARTICLE IV.

It is further agreed that any other or further privileges, rights or advantages which may have been or may be granted by Denmark to the commerce and navigation of any other nation at the Sounds and Belts, or on her coasts and in her harbors, with reference to the transit by land through Danish territory of merchandise belonging to the citizens or subjects of such nation, shall also be fully extended to and enjoyed by the citizens of the United States, and by their vessels and property in that quarter.

### ARTICLE V.

The general convention of friendship, commerce and navigation,<sup>1</sup> concluded between the United States and his Majesty the King of Denmark on the 26th of April, 1826, and which was abrogated on the 15th of April, 1856, and the provisions contained in each and all of its articles, the 5th article alone excepted, shall after the ratification of this present Convention, again become binding upon the United States and Denmark; it being, however, understood that a year's notice shall suffice for the abrogation of the stipulations of the said Convention hereby renewed.

### ARTICLE VI.

The present Convention shall take effect as soon as the laws to carry it into operation shall be passed by the government of the contracting parties, and the sum stipulated to be paid by the United States shall be received by or tendered to Denmark; and for the fulfilment of these purposes, a period not exceeding twelve months from the signing of this Convention shall be allowed.

But if, in the interval, an earlier day shall be fixed upon and carried into effect for a free navigation through the Sound and Belts in favor of any other power or powers, the same shall simultaneously be extended to the vessels of the United States and their cargoes, in antici-

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<sup>1</sup> See Convention of 1826, p. 152.

pation of the payment of the sum stipulated in Article III; it being understood, however, that in that event the Government of the United States shall also pay to that of Denmark four per cent interest on the said sum from the day the said immunity shall have gone into operation until the principal shall have been paid as aforesaid.

## ARTICLE VII.

The present Convention shall be duly ratified and the exchange of ratifications shall take place in Washington within ten months from the date hereof, or sooner if practicable.

In faith whereof the respective plenipotentiaries have signed the present Convention, in duplicate, and have thereunto affixed their seals.

Done at Washington this eleventh day of April in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States the eighty-first.

LEWIS CASS.

[SEAL.]

TORBEN BILLE

[SEAL.]

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1861.

## CONSULAR CONVENTION.<sup>1</sup>

*Concluded July 11, 1861; ratification advised by the Senate July 17, 1861; ratified by the President August 25, 1861; ratifications exchanged September 18, 1861; proclaimed September 20, 1861. (Treaties and Conventions, 1889, p. 240.)*

(This convention consisted of two additional articles to the general convention of commerce and navigation, 1826, renewed April 11, 1857, extending the powers of consuls.)

### ARTICLES.

I. Authority of consuls over shipping disputes. | II. Deserters from ships; ratification.

The United States of America and His Majesty the King of Denmark, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the Undersigned Plenipotentiaries, being duly empowered for that purpose, have agreed upon the following additional articles to the General Convention of friendship, commerce and navigation, concluded at Washington on the twenty-sixth day of April, 1826, between the contracting parties.

### ARTICLE I.

The respective Consuls General, Consuls, Vice Consuls and Commercial Agents, shall have the right as such to sit as judges and arbitrators in such differences as may arise, either at sea or in port, between the Captain, officers and crew of the vessels belonging to the nation whose interests are committed to their charge, particularly in

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<sup>1</sup> See Convention of 1826, p. 152.

reference to the adjustment of wages and the execution of contracts, without the interference of the local authorities, unless the conduct of the crew and the officers, or of the Captains, should disturb the order or tranquillity of the country.

It is however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their country.

## ARTICLE II.

The Consuls General, Consuls, Vice Consuls and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, or, if the vessel shall have departed, by copy of said documents duly certified by them, that such individuals form part of the crew; and on this reclamation being thus substantiated, the surrender shall not be refused, unless there be sufficient proof of the said persons being citizens or subjects of the country where their surrender is demanded. Such deserters when arrested shall be placed at the disposal of said Consuls General, Consuls, Vice Consuls or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause.

However if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional articles shall have the same force and value as if they were inserted, word for word, in the Convention signed at Washington on the twenty-sixth day of April, one thousand eight hundred and twenty-six, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner, if possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers, have signed the present additional articles, and have thereto affixed our seals.

Done in triplicate at the City of Washington on the eleventh day of July, in the year of our Lord one thousand eight hundred and sixty one.

WILLIAM H. SEWARD.

[SEAL.]

W. R. RAASLOFF.

[SEAL.]

1872.

## NATURALIZATION CONVENTION.

*Concluded July 20, 1872; ratification advised by the Senate January 13, 1873; ratified by the President January 22, 1873; ratifications exchanged March 14, 1873; proclaimed April 15, 1873. (Treaties and Conventions, 1889, p. 241.)*

## ARTICLES.

- |                                       |                  |
|---------------------------------------|------------------|
| I. Naturalization recognized.         | IV. Duration..   |
| II. Readmission to former status.     | V. Ratification. |
| III. Renunciation of acquired status. |                  |

The United States of America and his Majesty the King of Denmark being desirous to regulate the citizenship of the citizens of the United States of America who have emigrated, or who may emigrate, from the United States of America to the Kingdom of Denmark, and of Danish subjects who have emigrated, or who may emigrate from the Kingdom of Denmark to the United States of America, have resolved to conclude a Convention for that purpose, and have named as their Plenipotentiaries, that is to say,

The President of the United States of America:

Michael J. Cramer,

Minister Resident of the United States of America at Copenhagen;  
and His Majesty the King of Denmark:

Otto Ditlev Baron Rosenörn-Lehn,

Commander of Danebrog and Danebrogsmand, Chamberlain, His Majesty's Minister for Foreign Affairs, &c., &c., &c.; who, after having communicated to each other their respective full Powers, found to be in good and due form, have agreed upon and concluded the following Articles, to wit:

## ARTICLE I.

Citizens of the United States of America who have become, or shall become, and are naturalized, according to law, within the Kingdom of Denmark as Danish subjects, shall be held by the United States of America to be in all respects and for all purposes Danish subjects, and shall be treated as such by the United States of America.

In like manner, Danish subjects who have become, or shall become, and are naturalized, according to law, within the United States of America as citizens thereof, shall be held by the Kingdom of Denmark to be in all respects and for all purposes as citizens of the United States of America, and shall be treated as such by the Kingdom of Denmark.

## ARTICLE II.

If any such citizen of the United States, as aforesaid, naturalized within the Kingdom of Denmark as a Danish subject, should renew his residence in the United States, the United States Government may, on his application, and on such conditions as that Government may see fit to impose, readmit him to the character and privileges of a citizen of the United States, and the Danish Government shall not, in that case, claim him as a Danish subject on account of his former naturalization.

In like manner, if any such Danish subject, as aforesaid, naturalized within the United States as a citizen thereof, should renew his

residence within the Kingdom of Denmark, His Majesty's Government may, on his application, and on such conditions as that Government may think fit to impose, readmit him to the character and privileges of a Danish subject, and the United States Government shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

### ARTICLE III.

If, however, a citizen of the United States, naturalized in Denmark, shall renew his residence in the former country without the intent to return to that in which he was naturalized, he shall be held to have renounced his naturalization.

In like manner, if a Dane, naturalized in the United States, shall renew his residence in Denmark without the intent to return to the former country, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist, when a person naturalized in the one country shall reside more than two years in the other country.

### ARTICLE IV.

The present convention shall go into effect immediately on or after the exchange of the ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the Contracting Parties shall have given notice to the other of such intention.

### ARTICLE V.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, and the ratifications shall be exchanged at Copenhagen as soon as may be within eight months from the date hereof.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Copenhagen the twentieth day of July, in the year of our Lord One Thousand Eight Hundred and Seventy Two.

MICHAEL J. CRAMER.

[SEAL.]

O. D. ROSENÖRN-LEHN.

[SEAL.]

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1888.

### AGREEMENT SUBMITTING CLAIM OF CARLOS BUTTERFIELD & CO., TO ARBITRATION.

*Concluded December 6, 1888; ratification advised by the Senate February 11, 1889; ratified by the President April 23, 1889; ratifications exchanged May 23, 1889; proclaimed May 24, 1889. (U. S. Stats. Vol. 26, p. 1490.)*

By this agreement the claim of Butterfield & Co., for indemnity for seizure of vessels by the Danish colonial authorities of St. Thomas, West Indies, was referred to Sir Edmund Monson, by whom it was disallowed.

1892.

## TRADE-MARK CONVENTION.

*Concluded June 15, 1892; ratification advised by the Senate July 21, 1892; ratified by the President July 29, 1892; ratifications exchanged September 28, 1892; proclaimed October 12, 1892. (U. S. Stats. Vol. 27, p. 963.)*

## ARTICLES.

I. Reciprocal rights.  
II. Formalities.

III. Duration.  
IV. Ratification.

With a view to secure for the manufacturers in the United States of America, and those in Denmark, the reciprocal protection of their Trade Marks and Trade Labels, the Undersigned, duly authorised to that effect, have agreed on the following dispositions.

## ARTICLE I.

The subjects or citizens of each of the High Contracting Parties shall in the Dominions and Possessions of the other have the same rights as belong to native subjects or citizens, in everything relating to Trade Marks and Trade Labels of every kind.

Provided, always, that in the United States the subjects of Denmark, and in Denmark, the citizens of the United States of America, cannot enjoy these rights to a greater extent or for a longer period of time than in their native country.

## ARTICLE II.

Any person in either country desiring protection of his Trade Mark in the Dominions of the other must fulfil the formalities required by the law of the latter; but no person, being a subject or citizen of one of the contracting States, shall be entitled to claim protection in the other by virtue of the provisions of this convention, unless he shall have first secured protection in his own country in accordance with the laws thereof.

## ARTICLE III.

This arrangement shall go into effect immediately on or after the exchange of the ratifications and shall be in force until a year after it has been recalled by the one or the other of the two High Parties.

## ARTICLE IV.

The present convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of Denmark, and the ratifications shall be exchanged at Copenhagen as soon as may be within ten months from the date hereof.

In witness whereof the Undersigned have signed the present convention and have affixed thereto the seal of their arms.

Done at Copenhagen in double expedition the 15. June 1892.

CLARK E. CARR.  
[SEAL.]  
REEDTZ THOTT.  
[SEAL.]



# DOMINICAN REPUBLIC.

1867.

## CONVENTION OF AMITY, COMMERCE AND NAVIGATION, AND EXTRA- DITION.

*Concluded February 8, 1867; ratification advised by the Senate March 20, 1867; ratified by the President July 31, 1867; ratifications exchanged October 5, 1867; proclaimed October 24, 1867. (Treaties and Conventions, 1889, p. 244.)*

This convention of thirty-two articles terminated January 13, 1898, by notice from the Dominican Government.

# ECUADOR.

1839.

## TREATY OF PEACE, FRIENDSHIP, NAVIGATION, AND COMMERCE.

*Concluded June 13, 1839; ratification advised by the Senate July 15, 1840; ratified by the President July 31, 1840; ratifications exchanged April 9, 1842; proclaimed September 23, 1842. (Treaties and Conventions, 1889, p. 255.)*

This treaty of thirty-five articles was abrogated August 25, 1892, by notice from the Ecuadorian Government.

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1862.

## CLAIMS CONVENTION.

*Concluded November 25, 1862; ratification advised by the Senate January 28, 1863; ratified by the President February 13, 1863; ratifications exchanged July 27, 1864; proclaimed September 8, 1864. (Treaties and Conventions, 1889, p. 265.)*

Under this convention of seven articles the commission of two members and an arbitrator met at Guayaquil August 22, 1864, and terminated its session August 17, 1865. The amount awarded against Ecuador was \$94,799.56.

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1872.

## NATURALIZATION CONVENTION.

*Concluded May 6, 1872; ratification advised by the Senate May 23, 1872; ratified by the President May 25, 1872; ratifications exchanged November 6, 1873; proclaimed November 24, 1873. (Treaties and Conventions, 1889, p. 267.)*

This convention of seven articles was abrogated August 25, 1892, upon notice given by the Ecuadorian Government.

1872.

## EXTRADITION CONVENTION.

*Concluded June 28, 1872; ratification advised by the Senate January 6, 1873; ratified by the President January 10, 1873; ratifications exchanged November 12, 1873; proclaimed December 24, 1873. (Treaties and Conventions, 1889, p. 269.)*

## ARTICLES.

- |  |                              |
|--|------------------------------|
| I. Persons to be delivered.                      | V. Procedure.                |
| II. Extraditable crimes.                         | VI. Expenses.                |
| III. Political offenses, etc.                    | VII. Duration; ratification. |
| IV. Persons under arrest in country where found. |                              |

The United States of America and the Republic of Ecuador having deemed it conducive to the better administration of justice and the prevention of crime within their respective territories, that all persons convicted of, or accused of the crimes enumerated below, being being fugitives from justice, shall be, under certain circumstances reciprocally delivered up have resolved to conclude a Treaty upon the subject, and the President of the United States has for this purpose named Rumsey Wing, a citizen of the United States, and their Minister Resident in Ecuador, as Plenipotentiary on the part of the United States; and the President of Ecuador has named Francisco Tavier Leon, Minister of the Interior and of Foreign Affairs, as Plenipotentiary on the part of Ecuador; who having reciprocally communicated their full powers, and the same having been found in good and due form, have agreed upon the following articles, viz:

ARTICLE 1<sup>st</sup>.

The Government of the United States, and the Government of Ecuador mutually agree to deliver up such persons as may have been convicted of, or may be accused of the crimes set forthin the following article, committed within the jurisdiction of one of the contracting parties, and who may have sought refuge, or be found within the Territory of the other: it being understood that this is only to be done when the criminality shall be proved in such manner that according to the laws of the country, where the fugitive or accused may be found such persons might be lawfully arrested and tried, had the crime been committed within its jurisdiction.

ARTICLE 2<sup>nd</sup>

Persons convicted of or accused of any of the following crimes shall be delivered up, in accordance with the provisions of this Treaty.

1<sup>st</sup>. Murder, including assassination, parricide, infanticide and poisoning.

2<sup>nd</sup>. The crime of rape, arson, piracy, and mutiny on ship-board when the crew or a part thereof, by fraud or violence against the commanding officer have taken possession of the vessel.

3<sup>rd</sup>. The crime of burglary, this being understood as the act of breaking or forcing an entrance into another's house with intent to commit any crime, and the crime of robbery, this being defined as the act of taking from the person of another, goods or money with criminal intent, using violence or intimidation.

4<sup>th</sup>. The crime of forgery: which is understood to be the wilful use or circulation of forged papers or public documents.

5<sup>th</sup>. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank bills and securities, and in general of any kind of titles to or instruments of credit, the counterfeiting of stamps, dies, seals, and marks of the State, and of the administrative authorities, and the sale or circulation thereof.

6<sup>th</sup>. Embezzlement of public property, committed within the jurisdiction of either party by public officers or depositaries.

#### ARTICLE 3<sup>d</sup>

The stipulations of this treaty shall not be applicable to crimes or offences of a political character; and the person or persons delivered up charged with the crimes specified in the foregoing article shall not be prosecuted for any crime committed previously to that for which his or their extradition may be asked.

#### ARTICLE 4<sup>th</sup>

If the person whose extradition may have been applied for in accordance with the stipulations of the present Treaty, shall have been arrested for offences committed in the country where he has sought refuge, or if he shall have been sentenced therefor, his extradition may be deferred until his acquittal, or the expiration of the term for which he shall have been sentenced.

#### ARTICLE 5<sup>th</sup>

Requisitions for the extradition of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in case of the absence of these from the country or its capital, they may be made by superior Consular officers. If the person whose extradition is asked for shall have been convicted of a crime, the requisition must be accompanied by a copy of the sentence of the Court that has convicted him, authenticated under its seal, and an attestation of the official character of the judge who has signed it, made by the proper executive authority; also by an authentication of the latter by the Minister or Consul of the United States or Ecuador respectively. On the contrary however, when the fugitive is merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime has been committed, and of any evidence in writing upon which such warrant may have been issued, must accompany the aforesaid requisition. The President of the United States or the proper executive authority of Ecuador, may then order the arrest of the fugitive, in order that he may be brought before the judicial authority, which is competent to examine the question of extradition.

If, then, according to the evidence and the law, it be decided that the extradition is due in conformity with this Treaty, the fugitive shall be delivered up, according to the forms prescribed in such cases.

#### ARTICLE 6<sup>th</sup>

The expenses of the arrest, detention and transportation of persons claimed, shall be paid by the Government in whose name the requisition shall have been made.

ARTICLE 7<sup>th</sup>

This treaty shall continue in force for ten years (10) from the day of the exchange of ratifications, but in case neither party shall have given to the other one year's (1) previous notice of its intention to terminate the same, then this Treaty shall continue in force for ten years (10) longer, and so on.

The present Treaty shall be ratified, and the ratifications exchanged in the Capital of Ecuador, within two months from the day on which the session of the coming Congress of Ecuador shall terminate, which will be in October 1873.

In testimony whereof the respective Plenipotentiaries have signed the present Treaty in duplicate, and have hereunto affixed their seals.

Done in the city of Quito, Capital of the Republic of Ecuador, this twenty eight day of June one thousand eight hundred and seventy two.

RUMSEY WING	[SEAL.]
FRANCISCO TAVIER LEON	[SEAL.]

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1893.

## CONVENTION FOR ARBITRATION OF CLAIM OF JULIO R. SANTOS.

*Concluded February 28, 1893; ratification advised by the Senate September 11, 1893; ratified by the President September 16, 1893; ratifications exchanged November 6, 1894; proclaimed November 7, 1894. (U. S. Stats. Vol. 28, p. 1205.)*

Upon the submission of the claim to the arbitrator an award in favor of Santos was made amounting to \$40,000.

# EGYPT.

1884.

## COMMERCIAL AGREEMENT.

*Concluded November 16, 1884; ratification advised by the Senate March 18, 1885; ratified by the President May 7, 1885; proclaimed May 7, 1885. (Treaties and Conventions, 1889, p. 272.)*

(As this agreement adopts the convention with Greece a synopsis of the articles of that convention is given below.)

The Undersigned, N. D. Comanos, Vice-Consul General of the United States of America in Egypt, and His Excellency Nubar Pasha, President of the Council of Ministers, Minister of Foreign Affairs and of Justice of the Government of His Highness the Khedive of Egypt, duly authorized by their respective Governments, have held a Conference this day on the subject of a Commercial Convention to be concluded between the Egyptian Government and the Foreign Powers, and have agreed to the following.

The Government of the United States of America consents that the Regulations of the Egyptian Customs applicable, in virtue of a Commercial and Customs Convention concluded on the 3rd of March, 1884, between the Hellenic Government and the Egyptian Government, to the Hellenic subjects, vessels, commerce and navigation, may also be applied to the citizens of the United States, vessels commerce and navigation.

Every right, privilege or immunity that the Egyptian Government now grants, or that it may grant in future, to the subjects or citizens, vessels, commerce and navigation of whatsoever other foreign power, shall be granted to citizens of the United States, vessels, commerce and navigation, who shall have the right to enjoy the same.

The present agreement shall become operative immediately upon the consent of the Senate of the United States being given to the same.

In testimony whereof, the undersigned have signed the present act and have affixed their seals.

Done in Cairo, the sixteenth day of November Eighteen hundred and eighty four.

N. D. COMANOS.

[SEAL]

N. NUBAR

[SEAL]



[The following is a translation of the printed official French version of the Convention between the Hellenic Government and the Egyptian Government concluded March 3, 1884, the provisions of which have been made applicable to the United States by the foregoing Agreement.]

## A CONVENTION RELATIVE TO COMMERCE AND CUSTOMS.

### ARTICLES.

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| I. Most favored nation clause.       | X. Effects of consular officers.     |
| II. Prohibitions.                    | XI. Shipping regulations.            |
| III. Importations into Egypt.        | XII. Customs declarations.           |
| IV. Egyptian customs duties.         | XIII. Customs officials.             |
| V. Goods excluded.                   | XIV. Fines and confiscations.        |
| VI. Firearms.                        | XV. Administrative regulations.      |
| VII. Reexportations.                 | XVI. Duration.                       |
| VIII. Drawbacks on reexported goods. | Additional article.—Taking effect of |
| IX. Egyptian export duties.          | modified tariff.                     |

His Excellency Nubar Pasha, President of the Council of Ministers, Minister of Foreign Affairs of His Highness the Khedive, and Mr. Anasthasius Byzantios, Diplomatic Agent and Consul-General of Greece, having been duly authorized by their respective Governments, have agreed upon the following:

### ARTICLE FIRST

Greek commerce in Egypt and Egyptian commerce in Greece shall be treated, as regards customs duties, both when goods are imported and exported, as the commerce of the most favored nation.

### ART. 2.

No prohibitory measure shall be adopted in respect to the reciprocal import or export trade of the two countries, without being likewise extended to all other nations. It is nevertheless understood that this restriction shall not apply to such special measures as may be adopted by either country for the purpose of protecting itself against epizooty, phylloxera or any other scourge.

### ART. 3.

The Egyptian Government pledges itself, with the exceptions mentioned in article 6 hereinafter, not to prohibit the importation into Egypt of any article, the product of the soil and industry of Greece, from whatever place such article may come.

### ART. 4.

The duties to be levied in Egypt on the productions of the soil and industry of Greece, from whatever place they may come, shall be regulated by a tariff which shall be prepared by commissioners appointed for this purpose by the two Governments.

A fixed duty of 8 per cent. ad valorem shall be taken as the basis of this tariff, the said duty to be computed on the price of the goods in the port of discharge; the Egyptian Government, however, reserves the privilege of raising the duties on distilled beverages, wines and fancy articles; but these duties shall, in no case, exceed the rate of 16 per cent. ad valorem.

The Egyptian Government likewise reserves the right to reduce the duties on articles of prime necessity that are imported into Egypt, to 5 per cent., and even to abolish them entirely.

Customs duties shall be collected without prejudice to the penalties provided in cases of fraud and smuggling, by the regulations.

### ART. 5.

Tobacco, in all its forms, and tombac, together with salt, natron, hashish, and saltpeter are excluded from the stipulations of this convention.

The Egyptian Government retains an absolute right in respect to these articles,

the régime of which shall be applicable to Greek subjects on the same terms as to its own subjects.

The Egyptian Government may institute, in warehouses or dwellings, any immediate search that it may deem necessary. A duplicate of the order of search shall be sent to the Greek consular officer, who may repair to the spot at once, if he think proper, although that formality shall not delay the search.

ART. 6.

By way of exception to the stipulations of article 3, the importation into Egypt of arms used in war (including firearms and side-arms) and munitions of war shall not be permitted.

The above restriction does not apply to weapons used in hunting or for ornament or amusement, nor does it apply to gunpowder used in hunting; the importation of these articles shall form the subject of special regulations to be adopted by the Egyptian Government.

ART. 7.

Goods imported into Egypt and re-exported within a period not exceeding six months, shall be considered as goods in transit, and shall pay, as such, only a transit duty of one per cent., computed on their value in the port of discharge. After such period of six months, they shall be subject to the full import duty.

If the re-exportation takes place from the port of discharge, after a simple transshipment, or after the goods have been discharged and kept on land, under surveillance, as provided by the customs regulations, for a period not exceeding one month, such goods shall be liable to no duty; but the transit duty shall be payable, if, after having been discharged and temporarily deposited, either in the warehouses of the custom-house, or in private warehouses, whether floating or not, the goods are re-exported, after having been the object of a commercial operation.

ART. 8.

If goods, after the import duty has been levied upon them in Egypt, are sent to other countries before the expiration of the term of six months from the day of their discharge, they shall be treated as goods in transit, and the Egyptian custom-house shall return to the exporter the difference between the duty paid and the transit duty mentioned in article 7.

In order to obtain the drawback, the exporter must furnish proof that the import duty has been paid on the re-exported goods.

ART. 9.

The productions of the soil and industry of Egypt when sent to Greece, shall pay an export duty of one per cent. ad valorem, computed on the value of the goods in the port of exportation.

For greater facility, these productions shall, as far as possible, be periodically tariffed, by mutual agreement, by the representatives of the merchants engaged in the export trade and the Egyptian customs authorities.

ART. 10.

Articles and personal effects belonging to Consuls-General and Consuls not engaged in other than consular business, not performing other duties, not engaged in commercial or manufacturing business, and not owning or controlling real estate in Egypt, shall be exempt from any examination, both when imported and exported, and likewise from the payment of duties.

ART. 11.

Within 36 hours at most after the arrival of a vessel in an Egyptian roadstead or port, the captain or the agent of the owners shall deposit at the custom-house two copies of the manifest of cargo, certified by him to agree with the original. In like manner, captains shall, before their departure from an Egyptian port, present at the custom-house a copy of the manifest of the goods on board of their vessels. The original manifest, either on arrival or departure, shall be presented at the same time with the copies, in order to be compared with them.

If a vessel stops in an Egyptian port for a reason that appears suspicious to the custom-house, the latter may require the presentation of the manifest, and may immediately make any search that it may deem necessary; the order of search shall, in that case, be addressed to the Greek consular officer, as provided in article 5.

Any surplus or deficit that may be shown by the comparison of the manifest with the cargo shall furnish ground for the imposition of the fines provided for by the customs regulations which shall be issued by the Egyptian Government.

#### ART. 12.

Any custom-house operation in Egypt, either on arrival or departure, must be preceded by a declaration signed by the owner of the goods or his representative.

The custom-house may, moreover, in case of dispute, require the presentation of all the documents that are to accompany any shipment of goods, such as invoices, letters, etc.

Any refusal to make the declaration on arrival or departure, any delay in making the said declaration, or any excess or deficiency found to exist between the goods and the declaration shall furnish ground for the imposition of the fines provided for by the Egyptian custom-house regulations, in each of the cases specified.

#### ART. 13.

The custom-house officers, the officers of the vessels belonging to the Egyptian postal-service, and the officers of national vessels, may board any sailing or steam-vessel of less than 200 tons' burden, be that vessel at anchor or tacking, at a distance not exceeding ten kilometers from the shore, without furnishing evidence of *vis major*; they may ascertain the nature of the cargo, seize any prohibited goods, and secure evidence of any other infraction of the customs regulations.

#### ARTICLE 14.

Any illicit importation of goods shall furnish ground for the confiscations and fines provided for by the Egyptian customs regulations.

Decisions ordering confiscations and fines shall be communicated, within the period fixed by law, to the Greek consular officer.

#### ARTICLE 15.

It is understood that this convention can in no wise impair the administrative rights of the two contracting Governments, and that they may enforce any regulations calculated to promote the efficiency of the service and the repression of fraud.

#### ARTICLE 16.

The present convention shall be operative for seven years from the twentieth day of March, one thousand eight hundred and eighty-four.

At the expiration of that period, the present convention shall remain in force during the year following, and so on from year to year, until one of the contracting parties shall notify the other of its desire for the cessation of its effects, or until the conclusion of another convention.

#### ADDITIONAL ARTICLE.

The effect of the modifications in the present tariff which are provided for in article IV, shall be suspended until those modifications have been adopted by the other powers interested.

In testimony whereof, the undersigned have signed the present convention.

Done in duplicate at Cairo this third day of March, one thousand eight hundred and eighty-four.

[SEAL]  
[SEAL]

N. NUBAR.  
AN. BYZANTIOS.

# FRANCE.

1778.

## TREATY OF AMITY AND COMMERCE.

*Concluded at Paris February 6, 1778; ratified by Congress May 4, 1778. (Treaties and Conventions, 1889, p. 296.)*

This treaty, abrogated by the act of Congress July 7, 1798, consisted of thirty-one articles, and in many important respects formed the basis of subsequent treaties of commerce.

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Federal cases: *Glass v. "The Betsey,"* 3 Dall., 6; *Geyer v. Michel,* 3 Dall., 285; *Moodie v. "The Phoebe Anne,"* 3 Dall., 319; *Chirac v. Chirac,* 2 Wheat., 259; *Carnal v. Banks,* 10 Wheat., 181; *British Consul v. "The Favorite,"* Bee's Adm. Rep., 39; *Stannick v. "The Friendship,"* Bee's Adm. Rep., 40; *Salderondo v. "The Nostra Signora del Camino,"* Bee's Adm. Rep., 43; *Williamson v. "The Betsey,"* Bee's Adm. Rep., 67; *British Consul v. "The Mermaid,"* Bee's Adm. Rep., 69; *Bolchos v. Slaves,* Bee's Adm. Rep., 74; *Gray v. U.S.,* 21 Ct. Cl., 340; *Hooper v. U.S.,* 22 Ct. Cl., 408; *"The Brig William,"* 23 Ct. Cl., 201; *"The Venus,"* 27 Ct. Cl., 116.

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1778.

## TREATY OF ALLIANCE.

*Concluded at Paris February 6, 1778; ratified by Congress May 4, 1778. (Treaties and Conventions, 1889, p. 307.)*

This treaty, consisting of twelve articles, provided for an alliance to carry on the war with Great Britain, for the sovereignty of the lands to be acquired as the result of the war, and the guaranty of the French possessions in America and the dominions of the United States.

An additional article was agreed to at the same time reserving to the King of Spain the right to participate in the two treaties. This additional article was also ratified by Congress May 4, 1778. (Treaties and Conventions, 1889, p. 309.)

By an act of Congress approved July 7, 1798, the treaties with France then in force were abrogated.

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1782.

## CONTRACT FOR THE REPAYMENT OF LOANS MADE BY THE KING OF FRANCE.

*Concluded July 16, 1782; ratified by Congress January 22, 1783. (Treaties and Conventions, 1889, p. 310.)*

Under this contract the United States pledged itself to pay in twelve equal annual installments of 1,500,000 livres each the amount of the indebtedness to the King of France, which was 18,000,000 livres. It was also agreed to pay the loan obtained from Holland of 10,000,000 livres in ten annual payments.

## 1783.

CONTRACT FOR A NEW LOAN AND THE REPAYMENT OF THE OLD  
LOANS MADE BY THE KING OF FRANCE.

*Concluded February 25, 1783; ratified by Congress October 31, 1783.*  
(Treaties and Conventions, 1889, p. 314.)

By this agreement 6,000,000 livres were to be loaned the United States from the royal treasury in the course of the year, and to be repaid in six annual installments beginning in 1797. It was also agreed that the payments under the contract of 1782 should commence in 1787.

## 1788.

## CONSULAR CONVENTION.

*Concluded November 14, 1788; ratification advised by the Senate July 29, 1789; ratified by the President September 9, 1789; ratifications exchanged January 6, 1790 (dated January 1, 1790); proclaimed*  
\_\_\_\_\_. (Treaties and Conventions, 1889, p. 316.)

This convention of sixteen articles was abrogated by the act of July 7, 1798.

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Federal case: U. S. v. Lawrence, 3 Dall., 42.

## 1800.

## TREATY OF PEACE, COMMERCE, AND NAVIGATION.

*Concluded September 30, 1800; ratification advised by the Senate with amendments February 3, 1801; ratified by the President February 18, 1801; ratified by the First Consul of France on condition of acceptance of amendments proposed by him July 31, 1801; ratifications exchanged July 31, 1801; proclaimed December 21, 1801.*  
(Treaties and Conventions, 1889, p. 322.)

This treaty consisted of twenty-seven articles and expired by its own limitations July 31, 1809.

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Federal cases: U. S. v. "The Peggy," 1 Cranch, 103; Chirac v. Chirac, 2 Wheat., 259; De Geofroy v. Riggs, 133 U. S., 258; Gray v. U. S., 21 Ct. Cl., 340; Cushing v. U. S., 22 Ct. Cl., 1; Hooper v. U. S., 22 Ct. Cl., 408; "The Schooner Jane," 23 Ct. Cl., 226; "The Ship Tom," 29 Ct. Cl., 68.

## 1803.

## TREATY FOR THE CESSION OF LOUISIANA.

*Concluded April 30, 1803; ratification advised by the Senate October 20, 1803; ratified by the President October 21, 1803; ratifications exchanged October 21, 1803; proclaimed October 21, 1803. (Treaties and Conventions, 1889, p. 331.)*

(This treaty although executed is given on account of its historical value in defining the extent of the cession.)

## ARTICLES.

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|--|---|
| I. Cession of the colony of Louisiana.<br>II. Extent of cession.<br>III. Citizenship to inhabitants.<br>IV. Transfer of territory.<br>V. Assumption of possession. | VI. Treaties with Indians.<br>VII. Privileges to French and Spanish ships.<br>VIII. Most favored nation clause.<br>IX. Approval of other conventions.<br>X. Ratification. |
|--|---|

The President of the United States of America, and the First Consul of the French Republic in the name of the French People desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the Convention of the { 8<sup>th</sup> Vendémiaire an 9 } relative to the rights claimed by the United States in virtue of the Treaty concluded at Madrid the 27 of October 1795, between His Catholic Majesty, & the said United States, & willing to strengthen the union and friendship which at the time of the said Convention was happily reestablished between the two nations have respectively named their Plenipotentiaries to wit the President of the United States, by and with the advice and consent of the Senate of the said States; Robert R. Livingston Minister Plenipotentiary of the United States and James Monroe Minister Plenipotentiary and Envoy extraordinary of the said States near the Government of the French Republic; And the First Consul in the name of the French people, Citizen Francis Barbé Marbois Minister of the public treasury who after having respectively exchanged their full powers, have agreed to the following Articles.—

## ARTICLE I

Whereas by the Article the third of the Treaty concluded at St. Idelfonso the { 9<sup>th</sup> Vendémiaire an 9 } between the First Consul of the French Republic and his Catholic Majesty it was agreed as follows.—

“His Catholic Majesty promises and engages on his part to cede to “the French Republic six months after the full and entire execution “of the conditions and stipulations herein relative to his Royal Highness the Duke of Parma, the Colony or Province of Louisiana with

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Federal cases: *Foster v. Neilson*, 2 Pet., 253; *Soulard v. U. S.*, 4 Pet., 511; *Delasus v. U. S.*, 9 Pet., 117; *New Orleans v. De Armas*, 9 Pet., 224; *Smith v. U. S.*, 10 Pet., 326; *New Orleans v. U. S.*, 10 Pet., 662; *Strother v. Lucas*, 12 Pet., 410; *Garcia v. Lee*, 12 Pet., 511; *Keene v. Whitaker*, 14 Pet., 170; *Chouteau v. Eckhart*, 2 How., 344; *Pollard v. Hagan*, 3 How., 212; *McDonogh v. Millaudon*, 3 How., 693; *U. S. v. King*, 3 How., 773; *U. S. v. Reynes*, 9 How., 127; *Davis v. Police Jury of Concordia*, 9 How., 280; *U. S. v. D'Auterive*, 10 How., 609; *U. S. v. Philadelphia and New Orleans*, 11 How., 609; *U. S. v. Turner*, 11 How., 663; *U. S. v. Lynde's Heirs*, 11 Wall., 632; *Slidell v. Grandjean*, 111 U. S., 412; *Bryan v. Kennett*, 113 U. S., 179; *Josephs v. U. S.*, 1 Ct. Cl., 197, 2 Ct. Cl., 586; *Gray v. U. S.*, 21 Ct. Cl., 340; “The Ship Tom,” 29 Ct. Cl., 68.



“the same extent that it now has in the hands of Spain, & that it had  
“when France possessed it; and such as it should be after the Trea-  
“ties subsequently entered into between Spain and other States”

And whereas in pursuance of the Treaty and particularly of the third article the French Republic has an incontestible title to the domain and to the possession of the said Territory—The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship doth hereby cede to the said United States in the name of the French Republic forever and in full sovereignty the said territory with all its rights and appurtenances as fully and in the same manner as they have been acquired by the French Republic in virtue of the above mentioned Treaty concluded with his Catholic Majesty.

#### ART: II

In the cession made by the preceding article are included the adjacent Islands belonging to Louisiana all public lots and squares, vacant lands and all public buildings, fortifications, barracks and other edifices which are not private property. The Archives, papers and documents relative to the domain and sovereignty of Louisiana and its dependences will be left in the possession of the Commissaries of the United States, and copies will be afterwards given in due form to the Magistrates and Municipal officers of such of the said papers and documents as may be necessary to them.

#### ART: III

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the Religion which they profess.

#### ART: IV

There shall be sent by the Government of France a Commissary to Louisiana to the end that he do every act necessary as well to receive from the Officers of his Catholic Majesty the said country and its dependences in the name of the French Republic if it has not been already done as to transmit it in the name of the French Republic to the Commissary or agent of the United States.

#### ART: V

Immediately after the ratification of the present Treaty by the President of the United States and in case that of the first Consul's shall have been previously obtained, the Commissary of the French Republic shall remit all military posts of New Orleans and other parts of the ceded territory to the Commissary or Commissaries named by the President to take possession—the troops whether of France or Spain who may be there shall cease to occupy any military post from the time of taking possession and shall be embarked as soon as possible in the course of three months after the ratification of this treaty.—

## ART: VI

The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians until by mutual consent of the United States and the said tribes or nations other suitable articles shall have been agreed upon—

## ART: VII

As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty until general arrangements relative to the commerce of both nations may be agreed on: it has been agreed between the contracting parties that the French ships coming directly from France or any of her colonies loaded only with the produce and manufactures of France or her said Colonies; and the ships of Spain coming directly from Spain or any of her colonies loaded only with the produce or manufactures of Spain or her Colonies shall be admitted during the space of twelve years in the Port of New-Orleans and in all other legal ports-of-entry within the ceded territory in the same manner as the ships of the United States coming directly from France or Spain or any of their Colonies without being subject to any other or greater duty on merchandize or other or greater tonnage than that paid by the citizens of the United States.—

During the space of time above mentioned no other nation shall have a right to the same privileges in the Ports of the ceded territory—the twelve years shall commence three months after the exchange of ratifications if it shall take place in France or three months after it shall have been notified at Paris to the French Government if it shall take place in the United States; It is however well understood that the object of the above article is to favour the manufactures, commerce, freight and navigation of France and of Spain so far as relates to the importations that the french and Spanish shall make into the said ports of the United States without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandize of the United States, or any right they may have to make such regulations. —

## ART: VIII

In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favoured nations in the ports above mentioned—

## ART: IX

The particular Convention signed this day by the respective Ministers having for its object to provide for the payment of debts due to the Citizens of the United States by the French Republic prior to the 30<sup>th</sup> Sept<sup>r</sup> 1800 (8<sup>th</sup> Vendémiaire an 9) is approved and to have its execution in the same manner as if it had been inserted in this present treaty and it shall be ratified in the same form and in the same time so that the one shall not be ratified distinct from the other—

Another particular Convention signed at the same date as the present treaty relative to a definitive rule between the contracting parties is in the like manner approved and will be ratified in the same form, and in the same time and jointly.—

## ART X

The present treaty shall be ratified in good and due form and the ratifications shall be exchanged in the space of six months after the date of the signature by the Ministers Plenipotentiary or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed these articles in the French and English languages; declaring nevertheless that the present Treaty was originally agreed to in the French language; and have thereunto affixed their seals.

Done at Paris the tenth day of Floreal, in the eleventh year of the French Republic; and the 30<sup>th</sup> of April 1803

ROBT R LIVINGSTON

[SEAL.]

JAS MONROE.

[SEAL.]

BARBÉ MARBOIS

[SEAL.]

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1803.

CONVENTION FOR THE PAYMENT OF THE PURCHASE OF LOUISIANA.

*Concluded April 30, 1803; ratification advised by the Senate October 20, 1803; ratified by the President October 21, 1803; ratifications exchanged October 21, 1803; proclaimed October 21, 1803. (Treaties and Conventions, 1889, p. 334.)*

Under this convention a stock amounting to \$11,250,000 was created to be paid, with 6 per cent interest, in annual payments of not less than \$3,000,000, the first payment to commence after fifteen years from the exchange of ratifications. (See U. S. Stats., Vol. 2, p. 245.)

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1803.

CLAIMS CONVENTION.

*Concluded April 30, 1803; ratification advised by the Senate October 20, 1803; ratified by the President October 21, 1803; ratifications exchanged October 21, 1803; proclaimed October 21, 1803. (Treaties and Conventions, 1889, p. 335.)*

The convention provided for the payment of claims of United States citizens against France, not to exceed 60,000,000 francs. The commission organized under the convention held its first meeting July 5, 1803, and adjourned December 1, 1804.

1822.

## CONVENTION OF NAVIGATION AND COMMERCE.

*Concluded June 24, 1822; ratification advised by the Senate January 31, 1823; ratified by the President February 12, 1823; ratifications exchanged February 12, 1823; proclaimed February 12, 1823. (Treaties and Conventions, 1889, p. 343.)*

## ARTICLES.

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|--------------------------------------|---|
| I. Extra duties by American vessels. | VI. Deserters from ships.                 |
| II. Extra duties by French vessels.  | VII. Duration; reduction of extra duties. |
| III. Transit and reexportation.      | VIII. Ratification.                       |
| IV. Ton described.                   | Separate article. Refund of extra duties. |
| V. Shipping charges.                 |   |

The United-States of America, and His Majesty the King of France and Navarre, being desirous of settling the relations of Navigation and Commerce between their respective Nations, by a temporary Convention reciprocally beneficial and satisfactory, and thereby of leading to a more permanent and comprehensive arrangement, have respectively furnished their full powers in manner following, that is to say: The President of the United States to John Quincy Adams, their Secretary of State; and His Most Christian Majesty to the Baron Hyde de Neuville, Knight of the Royal and Military Order of S<sup>t</sup> Louis, Commander of the Legion of Honor, Grand Cross of the Royal American Order of Isabella the Catholic, His Envoy extraordinary and Minister plenipotentiary near the United States; Who, after exchanging their full powers, have agreed on the following Articles.

ARTICLE 1<sup>st</sup>

Articles of the growth, produce, or manufacture, of the United-States, imported into France in vessels of the United-States, shall pay an additional duty, not exceeding twenty francs per ton of merchandise, over and above the duties paid on the like articles, also of the growth, produce, or manufacture, of the United States when imported in French vessels.

## ARTICLE 2.

Articles of the growth, produce, or manufacture of France, imported into the United-States in French vessels, shall pay an additional duty not exceeding three dollars and seventy-five cents per ton of merchandise over and above the duties collected upon the like articles, also of the growth, produce or manufacture of France, when imported in vessels of the United-States.

## ARTICLE 3.

No discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms into the Ports of the United States for transit or re-exportation.

Nor shall any such duties be levied upon the productions of the soil or industry of the United-States, imported in vessels of the United-States into the ports of France for transit or re-exportation.

## ARTICLE 4.

The following quantities shall be considered as forming the ton of merchandise for each of the Articles hereinafter specified:

Wines—four 61 gallon-hogsheads or 244 gallons of 231 cubic inches American measure.

Brandies—and all other liquids, 244 gallons.

Silks, and all other dry goods, and all other articles usually subject to measurement: forty two cubic feet French in France, and fifty cubic feet American measure in the United-States.

Cotton—804 <sup>lb</sup> avoirdupois or 365 kilogrammes.

Tobacco—1,600 <sup>lb</sup> avoirdupois or 725 kilogrammes.

Ashes, pot and pearl, 2,240 <sup>lb</sup> avoirdupois, or 1,016 kilog<sup>a</sup>.

Rice—1,600 <sup>lb</sup> avoirdupois or 725 kilogrammes.

And for all weighable articles, not specified, 2,240 <sup>lb</sup> avoir dupois, or 1,016 kilogrammes.

## ARTICLE 5.

The duties of Tonnage, light money, Pilotage, Port-charges, brokerage and all other duties upon foreign shipping, over and above those paid by the national shipping in the two Countries respectively, other than those specified in Articles 1 and 2 of the present Convention, shall not exceed in France, for vessels of the United States, five francs per ton of the vessel's American register, nor, for vessels of France in the United-States, ninety four cents per ton of the vessel's French passport.

## ARTICLE VI.

The contracting parties, wishing to favor their mutual commerce, by affording in their Ports every necessary assistance to their respective vessels, have agreed that the Consuls and Vice-Consuls may cause to be arrested the sailors being part of the crews of the vessels of their respective Nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said Consuls and Vice-Consuls shall address themselves to the Courts, Judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel, or ship's roll, or other official Documents, that those men were part of the said crews; and on this demand so proved (saving however where the contrary is proved) the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice-Consuls for the search, seizure and arrest of the said deserters, who shall even be detained, and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.<sup>1</sup>

## ARTICLE 7.

The present temporary Convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive Treaty, or until one of

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<sup>1</sup> See Article 9, p. 187.

the parties shall have declared its intention to renounce it; which declaration shall be made at least six months beforehand.

And in case the present Arrangement should remain without such declaration of its discontinuance by either party the extra duties specified in the 1<sup>st</sup> and 2<sup>d</sup> Articles shall, from the expiration of the said two years, be on both sides diminished by one-fourth of their whole amount, and, afterwards by one fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

#### ARTICLE 8.

The present Convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner if possible. But the execution of the said Convention shall commence in both countries on the first of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed *bonâ fide* for the Ports of either Nation, in the confidence of its being in force.

In faith whereof, the respective Plenipotentiaries have signed the present Convention, and have thereto affixed their seals, at the city of Washington, this 24<sup>th</sup> day of June, A. D. 1822.

[SEAL.]  
[SEAL.]

JOHN QUINCY ADAMS.  
G. HYDE DE NEUVILLE.

#### SEPARATE ARTICLE.

The extra-duties levied on either side before the present day, by virtue of the act of Congress of 15 May 1820, and of the Ordinance of 26 July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Signed and Sealed as above, this 24<sup>th</sup> day of June 1822.

[SEAL.]  
[SEAL.]

JOHN QUINCY ADAMS.  
G. HYDE DE NEUVILLE.

1831.

#### CONVENTION AS TO CLAIMS AND DUTIES ON WINES AND COTTON.

*Concluded July 4, 1831; ratification advised by the Senate January 27, 1832; ratified by the President February 2, 1832; ratifications exchanged February 2, 1832; proclaimed July 13, 1832. (Treaties and Conventions, 1889, p. 345.)*

By this convention France agreed to pay to the United States in settlement of all claims of United States citizens 25,000,000 francs, and the United States agreed to pay in settlement of claims of the French Government and people 1,500,000 francs. Other claims not included in the provisions of the treaty were to be brought before the appropriate authorities in either country.



1843.

## EXTRADITION CONVENTION.

*Concluded November 9, 1843; ratification advised by the Senate February 1, 1844; ratified by the President February 2, 1844; ratifications exchanged April 12, 1844; proclaimed April 13, 1844. (Treaties and Conventions, 1889, p. 348.)*

## ARTICLES.

I. Delivery of accused.  
II. Extraditable crimes.  
III. Delivery.

IV. Expenses.  
V. Political crimes, etc.  
VI. Duration; ratification.

The United States of America and His Majesty the King of the French having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; the said United States of America and His Majesty the King of the French have named as their Plenipotentiaries to conclude a Convention for this purpose; that is to say, the President of the United States of America, Abel P. Upshur, Secretary of State of the United States, and His Majesty the King of the French, the Sieur Pageot, Officer of the Royal Order of the Legion of Honor, his Minister Plenipotentiary, *ad interim*, in the United States of America; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

## ARTICLE I.

It is agreed that the High Contracting Parties shall, on requisitions made in their name, through the medium of their respective Diplomatic Agents, deliver up to justice persons who, being accused of the crimes enumerated in the next following article, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial, if the crime had been there committed.

## ARTICLE II.

Persons shall be so delivered up who shall be charged, according to the provisions of this Convention, with any of the following crimes, to wit: Murder, (comprehending the crimes designated in the French Penal Code by the terms, assassination, parricide, infanticide and poisoning,) or with an attempt to commit murder, or with rape, or with forgery, or with arson, or with embezzlement by public officers, when the same is punishable with infamous punishment.<sup>1</sup>

<sup>1</sup> See Additional Article, 1845, p. 183, and Additional Article, 1858, p. 189.

Federal case: *In re Metzger*, 5 How., 176.

## ARTICLE III.

On the part of the French Government, the surrender shall be made only by authority of the Keeper of the Seals, Minister of Justice; and on the part of the Government of the United States, the surrender shall be made only by authority of the Executive thereof.

## ARTICLE IV.

The expenses of any detention and delivery effected in virtue of the preceding provisions shall be borne and defrayed by the Government in whose name the requisition shall have been made.

## ARTICLE V.

The provisions of the present convention shall not be applied in any manner to the crimes enumerated in the second article, committed anterior to the date thereof, nor to any crime or offence of a purely political character.

## ARTICLE VI.

This Convention shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give six months' previous notice of his intention to do so. It shall be ratified, and the ratifications shall be exchanged within the space of six months, or earlier, if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have affixed thereto the seal of their arms.

Done at Washington, the ninth day of November, Anno Domini one thousand eight hundred and forty-three.

[SEAL.]  
[SEAL.]

A. P. UPSHUR.  
A. PAGEOT.

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1845.

ADDITIONAL ARTICLE TO EXTRADITION CONVENTION.<sup>1</sup>

*Concluded February 24, 1845; ratification advised by the Senate March 12, 1845; ratified by the President May 5, 1845; ratifications exchanged June 21, 1845; proclaimed July 24, 1845. (Treaties and Conventions, 1889, p. 349.)*

The crime of Robbery, defining the same to be, the felonious and forcible taking from the person of another, of goods, or money to any value, by violence or putting him in fear;—and the crime of Burglary, defining the same to be, breaking and entering by night into a mansion house of another with intent to commit felony; and the corresponding crimes included under the French law in the words *vol qualifié crime*,—not being embraced in the second article of the convention of Extradition concluded between the United States of America and France, on the ninth of November, 1843, it is agreed, by the present article, between the high contracting parties, that persons

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<sup>1</sup> See p. 182.

charged with those crimes shall be respectively delivered up, in conformity with the first article of the said convention; and the present article when ratified by the parties, shall constitute a part of the said convention, and shall have the same force as if it had been originally inserted in the same.

In witness whereof, the respective Plenipotentiaries have signed the present article, in duplicate, and have affixed thereto the seal of their arms.

Done at Washington this twenty-fourth of February, 1845.

J. C. CALHOUN [SEAL.]  
A. PAGEOT [SEAL.]

1853.

### CONSULAR CONVENTION.

*Concluded February 23, 1853; ratification advised by the Senate with amendments March 29, 1853; ratified by the President April 1, 1853; ratifications exchanged August 11, 1853; proclaimed August 12, 1853. (Treaties and Conventions, 1889, p. 350.)*

#### ARTICLES.

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|-------------------------------------|--|
| I. Officers recognized; exequaturs. | VIII. Settlement of shipping disputes. |
| II. Privileges and immunities.      | IX. Deserters from ships.              |
| III. Inviolability of consulates.   | X. Authority as to shipping.           |
| IV. Complaints to authorities.      | XI. Shipwrecks.                        |
| V. Agencies.                        | XII. Most favored nation privileges.   |
| VI. Notarial authority.             | XIII. Duration; ratification.          |
| VII. Property rights.               |  |

The President of the United States of America, and His Majesty the Emperor of the French, being equally desirous to strengthen the bonds of friendship between the two nations and to give a new and more ample development to their commercial intercourse, deem it expedient, for the accomplishment of that purpose, to conclude a special Convention which shall determine, in a precise and reciprocal manner, the rights, privileges and duties of the Consuls of the two countries.

Accordingly they have named:

The President of the United States:

The Honorable Edward Everett, Secretary of State of the United States;

His Majesty the Emperor of the French:

The Count de Sartiges, Commander of the Imperial order of the Legion of Honor, &c. &c. his Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE 1.

The Consuls General, Consuls and Vice Consuls or Consular Agents of the United States and France shall be reciprocally received and recognized, on the presentation of their Commissions, in the form

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Federal cases: *Prevost v. Greneaux*, 19 How., 1; *De Geofroy v. Riggs*, 133 U. S., 258; *De Geofroy v. Riggs*, 18 Dist. Col., 331.

established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge, and on the exhibition of this exequatur they shall be admitted at once and without difficulty by the territorial authorities, federal or state, judicial or executive, of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The Government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

#### ARTICLE 2.

The Consuls General, Consuls, Vice Consuls or Consular agents of the United States and France, shall enjoy in the two countries the privileges usually accorded to their offices, such as personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard and other duties of the same nature; and from all direct and personal taxation whether federal, state or municipal. If, however, the said Consuls General, Consuls, Vice Consuls or Consular Agents are citizens of the country in which they reside, if they are or become owners of property there or engage in commerce, they shall be subject to the same taxes and imposts, and with the reservation of the treatment granted to commercial agents, to the same jurisdiction, as other citizens of the country who are owners of property or merchants.

They may place on the outer door of their offices or of their dwelling houses, the arms of their nation with an inscription in these words: "Consul of the United States," or "Consul of France;" and they shall be allowed to hoist the flag of their country thereon.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes or deposition is to be received from them in the administration of justice, they shall be invited in writing to appear in court, and if unable to do so, their testimony shall be requested in writing or be taken orally at their dwellings.

Consular pupils shall enjoy the same personal privileges and immunities as Consuls General, Consuls, Vice Consuls or Consular agents.

In case of death, indisposition or absence of the latter, the Chancellors, Secretaries and Consular pupils attached to their offices, shall be entitled to discharge ad interim the duties of their respective posts, and shall enjoy, whilst thus acting the prerogatives granted to the incumbents.

#### ARTICLE 3.

The consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

#### ARTICLE 4.

The Consuls General, Consuls, Vice Consuls or Consular Agents of both countries, shall have the right to complain to the authorities of the respective governments, whether federal or local, judicial or executive, throughout the extent of their consular district, of any infraction of the treaties or Conventions existing between the United

States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no Diplomatic Agent of their nation, they shall be authorized in case of need, to have recourse to the general or federal government of the country in which they exercise their functions.

#### ARTICLE 5.

The respective Consuls General and Consuls shall be free to establish, in such parts of their districts as they may see fit, Vice Consuls or Consular Agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen or citizens of other countries. These agents, whose nomination, it is understood, shall be submitted to the approval of the respective governments, shall be provided with a certificate given to them by the Consul by whom they are named and under whose orders they are to act.

#### ARTICLE 6.

The Consuls General, Consuls, Vice Consuls or Consular Agents shall have the right of taking at their offices or bureaux, at the domicile of the parties concerned or on board ship, the declarations of Captains, crews, passengers, merchants or citizens of their country, and of executing there all requisite papers.

The respective Consuls General, Consuls, Vice Consuls or Consular Agents shall have the right, also, to receive at their offices or bureaux, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and citizens or inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory of the nation to which the Consul or the agent before whom they are executed may belong. Copies of such papers duly authenticated by the Consuls General, Consuls, Vice Consuls or Consular Agents, and sealed with the official seal of their Consulate or Consular Agency, shall be admitted in Courts of Justice throughout the United States and France, in like manner as the originals.

#### ARTICLE 7.

In all the States of the Union whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously or for value received, by donation, testament or otherwise, just as those citizens themselves, and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the States of the Union by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the



Government of France accords to the citizens of the United States the same rights within its territory in respect to real and personal property and to inheritance, as are enjoyed there by its own citizens.

#### ARTICLE 8.

The respective Consuls General, Consuls, Vice Consuls or Consular Agents, shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the Captain, officers and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to the Consuls when they may ask it, to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls addressed in writing to the local authority and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted at the mere request of the Consuls made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consuls.

#### ARTICLE 9.

The respective Consuls General, Consuls, Vice Consuls or Consular Agents may arrest the officers, sailors and all other persons making part of the crews of ships of war, or merchant vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end the Consuls of France in the United States shall apply to the magistrates designated in the act of Congress of May 4, 1826, that is to say, indiscriminately to any of the federal, State or municipal authorities; and the Consuls of the United States in France shall apply to any of the competent authorities and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expense of the Consuls until these agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty and shall not again be arrested for the same cause.

#### ARTICLE 10.

The respective Consuls General, Consuls, Vice Consuls or Consular Agents shall receive the declarations, protests and reports of all captains of vessels of their nation in reference to injuries experienced



at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the Consuls reside, or citizens of a third nation are interested in the matter and the parties cannot agree, the competent local authority shall decide.

#### ARTICLE 11.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the Consuls General, Consuls and Vice Consuls of the United States in France, and by the Consuls General, Consuls and Vice Consuls of France in the United States, and until their arrival by the respective Consular Agents, wherever an Agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandize saved.

It is understood that such merchandize shall not be subjected to any custom house duty if it is to be re-exported, and if it be entered for consumption, a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

#### ARTICLE 12

The respective Consuls General, Consuls, Vice Consuls or Consular Agents, as well as their Consular pupils, Chancellors and Secretaries, shall enjoy in the two countries all the other privileges, exemptions and immunities which may at any future time be granted to the agents of the same rank of the most favored nation.

#### ARTICLE 13.

The present Convention shall remain in force for the space of ten years from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of six months, or sooner, if possible. In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this Convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In testimony whereof the respective plenipotentiaries have signed this Convention and hereunto affixed their respective seals.

Done at the City of Washington, the twenty-third day of February, Anno Domini one thousand eight hundred and fifty-three.

EDWARD EVERETT    [SEAL.]  
SARTIGES                    [SEAL.]

1858.

## ADDITIONAL ARTICLE TO EXTRADITION CONVENTION.

*Concluded February 10, 1858; ratification advised by the Senate, with amendment June 15, 1858; ratified by the President June 28, 1858; ratifications exchanged February 12, 1859; proclaimed February 14, 1859. (Treaties and Conventions, 1889, p. 354.)*

It is agreed between the High Contracting Parties that the provisions of the treaties for the mutual extradition of criminals between the United States of America and France, of November 9<sup>th</sup>, 1843, and February 24<sup>th</sup>, 1845, and now in force between the two Governments, shall extend not only to persons charged with the crimes therein mentioned, but also to persons charged with the following crimes, whether as principals, accessories or accomplices, namely, forging or knowingly passing or putting in circulation counterfeit coin or bank notes or other paper current as money, with intent to defraud any person or persons—Embezzlement by any person or persons hired or salaried to the detriment of their Employers, when these crimes are subject to infamous punishment

In witness whereof the respective Plenipotentiaries have signed the present article in triplicate, and have affixed thereto the seal of their arms.

Done at Washington the tenth of February, 1858.

LEW CASS.

[SEAL.]

SARTIGES.

[SEAL.]

1869.

## TRADE-MARK CONVENTION.

*Concluded April 16, 1869; ratification advised by the Senate April 19, 1869; ratified by the President April 30, 1869; ratifications exchanged July 3, 1869; proclaimed July 6, 1869. (Treaties and Conventions, 1889, p. 355.)*

## ARTICLES.

I. Protection of trade-marks.  
II. Registration.

III. Duration.  
IV. Ratification.

The United States of America and His Majesty the Emperor of the French, desiring to secure in their respective territories a guarantee of property in trade marks, have resolved to conclude a special Convention for this purpose, and have named as their Plenipotentiaries, the President of the United States, Hamilton Fish, Secretary of State, and His Majesty the Emperor of the French, J. Berthemy, Commander

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Federal cases: *Lacroix v. Sarrazin*, 4 Woods, 174; "*La Republique Francaise*" v. *Schultz*, 57 Fed. Rep., 37.

of the Imperial Order of the Legion of Honor, &c. &c. &c., accredited as his Envoy Extraordinary and Minister Plenipotentiary to the United States; and the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following articles:

#### ARTICLE I.

Every reproduction in one of the two countries of trade marks affixed in the other to certain merchandise, to prove its origin, and quality, is forbidden, and shall give ground for an action for damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven, just as if the plaintiff were a subject or citizen of that country.

The exclusive right to use a trade mark for the benefit of citizens of the United States in France, or of French subjects in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens.

If the trade mark has become public property in the country of its origin, it shall be equally free to all in the other country.

#### ARTICLE II.

If the owners of trade marks residing in either of the two countries, wish to secure their rights in the other country, they must deposit duplicate copies of those marks in the Patent Office at Washington, and in the Clerk's office of the Tribunal of Commerce of the Seine, at Paris.

#### ARTICLE III.

The present arrangement shall take effect ninety days after the exchange of ratifications by the two Governments, and shall continue in force for ten years from this date.

In case neither of the two High Contracting Parties gives notice of its intention to discontinue this Convention, twelve months before its expiration, it shall remain in force one year from the time that either of the High Contracting Parties announces its discontinuance.

#### ARTICLE IV.

The ratifications of this present arrangement shall be exchanged at Washington, within ten months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate, and affixed thereto the seal of their arms.

Done at Washington, the sixteenth day of April, in the year of Our Lord, one thousand eight hundred and sixty-nine.

[SEAL.]	HAMILTON FISH
[SEAL.]	BERTHEMY

1880.

CLAIMS CONVENTION.

*Concluded January 15, 1880; ratification advised by the Senate March 29, 1880; ratified by the President April 3, 1880; ratifications exchanged June 23, 1880; proclaimed June 25, 1880. (Treaties and Conventions, 1889, p. 356.)*

By this convention of twelve articles, claims of United States citizens against France arising out of the French-Mexican war and the war with Germany, and claims of French citizens against the United States arising out of the civil war, were referred to three commissioners. The commission met in Washington, November 5, 1880, and adjourned March 31, 1884. Awards against the United States amounted to \$625,566.35, and against France to 13,659 francs 14 centimes.

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Federal case: *Burthe v. Denis*, 133 U. S., 514.

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1882.

CLAIMS CONVENTION.

*Concluded July 19, 1882; ratification advised by the Senate August 8, 1882; ratified by the President December 28, 1882; ratifications exchanged December 29, 1882; proclaimed December 29, 1882. (Treaties and Conventions, 1889, p. 360.)*

This convention extended the term of the Claims Commission under the Convention of 1880 until July 1, 1883.

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1883.

CLAIMS CONVENTION.

*Concluded February 8, 1883; ratification advised by the Senate with an amendment February 21, 1883; ratified by the President April 3, 1883; ratifications exchanged June 25, 1883; proclaimed June 25, 1883. (Treaties and Conventions, 1889, p. 361.)*

The term of the Claims Commission under the Convention of 1880 was further extended by this convention to April 1, 1884.

# GERMAN EMPIRE.

The formation of the German Empire in 1871 by the consolidation of the North German Union, etc., has in some instances abrogated the treaties entered into with the independent German governments now embraced in the Empire, but reference is here given to all the separate governments with which treaties have been concluded.

See Baden, p. 28; Bavaria, p. 33; Bremen, p. 88; Brunswick and Lüneberg, p. 88; Hanover, p. 288; Hanseatic Republics, p. 289; Hesse, p. 295; Mecklenburg-Schwerin, p. 383; Mecklenburg-Strelitz, p. 388; Nassau, p. 438; North German Union, p. 466; Oldenburg, p. 472; Prussia, p. 510; Saxony, p. 567; Schaumburg-Lippe, p. 568; Württemberg, p. 656.

1871.

## CONSULAR CONVENTION.

*Concluded December 11, 1871; ratification advised by the Senate January 18, 1872; ratified by the President January 26, 1872; ratifications exchanged April 29, 1872; proclaimed June 1, 1872. (Treaties and Conventions, 1889, p. 363.)*

### ARTICLES.

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|---|---|
| I. Consular officers.                           | XII. Authority over ships.                                    |
| II. Exequaturs.                                 | XIII. Disputes between officers and crews of ships.           |
| III. Privileges and immunities.                 | XIV. Deserters from ships.                                    |
| IV. Arms and flags.                             | XV. Damages to vessels at sea.                                |
| V. Inviolability of consulates.                 | XVI. Shipwrecks.  |
| VI. Temporary vacancies.                        | XVII. Trade-mark protection.                                  |
| VII. Consular agencies.                         | XVIII. Duration; ratification.                                |
| VIII. Communications with authorities.          | Protocol. As to meaning of "property," and deceased citizens. |
| IX. Notarial authority.                         |   |
| X. Property of decedents.                       |   |
| XI. Effects of deceased sailors and passengers. |   |

The President of the United States of America and His Majesty the Emperor of Germany, king of Prussia, in the name of the German Empire, led by the wish to define the rights, privileges, immunities and duties of the respective Consular Agents have agreed upon the conclusion of a Consular-Convention, and for that purpose have appointed their Plenipotentiaries namely:

The President of the United States of America:

George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near His Majesty the Emperor of Germany, His Majesty the Emperor of Germany, king of Prussia:

Bernard König, His Privy Councillor of Legation,  
who have agreed to and signed the following articles:

### ART: I.

Each of the Contracting parties agrees to receive from the other Consuls general, Consuls, Vice-Consuls and Consular-Agents in all

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Federal cases: "The Burchard," 42 Fed. Rep., 608; Richter v. Reynolds, 59 Fed. Rep., 577.

its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation however, shall not apply to one of the Contracting Parties without also applying to every other power.

#### ART: II.

The Consuls general, Consuls, Vice-Consuls or Consular-Agents shall be reciprocally received and recognized, on the presentation of their commissions in the forms established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them free of charge, and on the exhibition of this instrument, they shall be admitted at once, and without difficulty, by the territorial authorities, federal, State or communal, judicial, or executive, of the ports, cities and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The government that furnishes the exequatur reserves the right to withdraw the same on a statement of the reasons for which it has thought proper to do so.

#### ART: III.

The respective Consuls general, Consuls, Vice-Consuls or Consular-Agents, as well as their chancellors and secretaries, shall enjoy in the two countries all privileges, exemptions and immunities which have been granted or may in future be granted, to the agents of the same rank of the most favored nation. Consular officers not being citizens of the country where they are accredited, shall enjoy in the country of their residence, personal immunity from arrest or imprisonment except in the case of crimes, exemption from military billettings and contributions, from military service of every sort, and other public duties, and from all direct or personal or sumptuary taxes, duties and contributions, whether federal, State or municipal. If however the said consular officers are or become owners of property<sup>1</sup> in the country in which they reside, or engage in commerce, they shall be subject to the same taxes and imposts, and to the same jurisdiction, as citizens of the country, property holders, or merchants. But under no circumstances shall their official income be subject to any tax. Consular officers who engage in commerce shall not plead their consular privileges to avoid their commercial liabilities. Consular officers of either character shall not in any event be interfered with in the exercise of their official functions, further than is indispensable for the administration of the laws of the country.

#### ART: IV.

Consuls general, Consuls, Vice-Consuls and Consular-Agents may place over the outer door of their offices, or of their dwellings, the arms of their nation with the proper inscription indicative of the office. And they may also hoist the flag of their country on the consular edifice except in places where a legation of their country is established.

They may also hoist their flag on board any vessel employed by them in port for the discharge of their duty.

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<sup>1</sup> See Protocol, p. 198.



## ART: V.

The consular archives shall be at all times inviolable, and under no pretence whatever shall the local authorities be allowed to examine or seize the papers forming part of them. When, however, a consular officer is engaged in other business, the papers relating to the Consulate shall be kept in a separate enclosure.

The offices and dwellings of Consules missi who are not citizens of the country of their residence shall be at all times inviolable. The local authorities shall not except in the case of the pursuit for crimes under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no event shall those offices or dwellings be used as places of asylum.

## ART: VI.

In the event of the death, prevention or absence of Consuls general, Consuls, Vice-Consuls and Consular-Agents, their chancellors or secretaries, whose official character may have previously been made known to the respective authorities in Germany or in the United States, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities, granted by this convention to the incumbents.

## ART: VII.

Consuls general and Consuls may, with the approbation of their respective governments, appoint Vice-Consuls and Consular-Agents in the cities, ports and places within their consular jurisdiction. These officers may be citizens of Germany, of the United States, or any other country. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act, or by the government of the country which he represents. They shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Article 3.

## ART: VIII.

Consuls general, Consuls, Vice-Consuls, and Consular-Agents shall have the right to apply to the authorities of the respective countries, whether federal or local, judicial or executive within the extent of their consular district, for the redress of any infraction of the treaties and conventions existing between the two countries or of international law; to ask information of said authorities and to address said authorities to the end of protecting the rights and interests of their countrymen, especially in cases of the absence of the latter; in which cases such Consuls etc. shall be presumed to be their legal representatives. If due notice should not be taken of such application, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

## ART: IX.

Consuls general, Consuls, Vice-Consuls or Consular Agents of the two countries or their chancellors shall have the right conformably to the laws and regulations of their country

1, to take at their office or dwelling, at the residence of the parties, or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or any other citizens, of their own country;

2, to receive and verify unilateral acts, wills and bequests of their countrymen, and any and all acts of agreement entered upon between citizens of their own country and between such citizens and the citizens or other inhabitants of the country where they reside; and also all contracts between the latter, provided they relate to property<sup>1</sup> situated or to business to be transacted in the territory of the nation by which the said Consular officers are appointed.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul general, Consul, Vice-Consul or Consular-Agent, under his official seal, shall be received by public officials and in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up or authenticated by competent public officers of one or the other of the two countries.

#### ART: X.<sup>1</sup>

In case of the death of any citizen of Germany in the United States or of any citizen of the United States in the German Empire without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

The said consular officer shall have the right to appear personally or by delegate, in all proceedings on behalf of the absent heirs or creditors until they are duly represented.

In all successions to inheritances citizens of each of the Contracting Parties shall pay in the country of the other such duties only as they would be liable to pay, if they were citizens of the country in which the property is situated or the judicial administration of the same may be exercised.

#### ART: XI.

Consuls general, Consuls, Vice-Consuls and Consular-Agents of the two countries are exclusively charged with the inventorying and the safe-keeping of goods and effects of every kind left by sailors or passengers on ships of their nation who die either on board ship or on land, during the voyage or in the port of destination.

#### ART: XII.

Consuls general, Consuls, Vice-Consuls and Consular-Agents shall be at liberty to go either in person or by proxy, on board vessels of their nation admitted to entry and to examine the officers and crews, to examine the ships papers, to receive declarations concerning their voyage, their destination, and the incidents of the voyage, also to draw up manifests and lists of freight, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country, to assist them as their interpreters or agents.

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<sup>1</sup> See Protocol, p. 198.

The judicial authorities and custom house officials shall in no case proceed to the examination or search of merchant vessels without having given previous notice to the consular officers of the nation to which the said vessels belong, in order to enable the said consular officers to be present.

They shall also give due notice to the said consular officers in order to enable them to be present at any depositions or statements to be made in courts of law or before local magistrates, by officers or persons belonging to the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice. The notice to Consuls, Vice-Consuls or Consular-Agents shall name the hour fixed for such proceedings. Upon the non-appearance of the said officers or their representatives, the case may be proceeded with in their absence.

#### ART: XIII.

Consuls general, Consuls, Vice-Consuls or Consular-Agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea, or in port, between captains, officers and crews, and specially in reference to wages and the execution of mutual contracts. Neither any court or authority, shall, on any pretext, interfere in these differences except in cases where the differences on board ship are of a nature to disturb the peace and public order in port, or on shore, or when persons other than the officers and crew of the vessel, are parties to the disturbance.

Except as aforesaid, the local authorities shall confine themselves to the rendering of efficient aid to the consuls, when they may ask it in order to arrest and hold all persons, whose names are borne on the ship's articles, and whom they may deem it necessary to detain. Those persons shall be arrested at the sole request of the consuls, addressed in writing to the local authorities and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port at the disposal of the consuls. Their release shall be granted only at the request of the consuls, made in writing.

The expenses of the arrest and detention of those persons shall be paid by the consuls.

#### ART: XIV.

Consuls general, Consuls, Vice-Consuls, or Consular-Agents may arrest the officers, sailors, and all other persons making part of the crews of ships-of-war or merchant vessels of their nation, who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country.

To that end, the Consuls of Germany in the United States shall apply to either the federal, State, or municipal courts or authorities; and the Consuls of the United States in Germany shall apply to any of the competent authorities and make a request in writing for the deserters, supporting it by an official extract of the register of the vessel and the list of the crew, or by other official documents, to show that the men whom they claim belong to said crew. Upon such request alone thus supported, and without the exaction of any oath from the consuls, the deserters (not being citizens of the country

where the demand is made either at the time of their shipping or of their arrival in the port), shall be given up to the Consuls. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall be taken to the prisons of the country and there detained at the request and at the expense of the Consuls, until the said Consuls may find an opportunity of sending them away.

If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

#### ART: XV.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls general, Consuls, Vice-Consuls, and Consular-Agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

#### ART: XVI.

In the event of a vessel belonging to the government, or owned by a citizen of one of the two Contracting Parties being wrecked, or cast on shore, on the coast of the other, the local authorities shall inform the Consul general, Consul, Vice-Consul, or Consular-Agent of the district of the occurrence or, if there be no such consular Agency, they shall inform the Consul general, Consul, Vice-Consul, or Consular-Agent of the nearest district.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in the territorial waters of the German Empire, shall take place in accordance with the laws of Germany; and reciprocally, all measures of salvage relative to German vessels wrecked or cast on shore in the territorial waters of the United States shall take place in accordance with the laws of the United States.

The consular authorities have in both countries to intervene only to superintend the proceedings having reference to the repair and revictualling, or if necessary, to the sale of the vessel wrecked, or cast on shore.

For the intervention of the local authorities no charges shall be made except such as in similar cases are paid by vessels of the nation.

In case of a doubt concerning the nationality of a shipwrecked vessel, the local authorities shall have exclusively the direction of the proceedings provided for in this article.

All merchandise and goods, not destined for consumption in the country where the wreck takes place, shall be free of all duties.

#### ART: XVII.

With regard to the marks or labels of goods, or of their packages, and also with regard to patterns and marks of manufacture and trade, the citizens of Germany shall enjoy in the United States of America, and American citizens shall enjoy in Germany the same protection as native citizens.

## ART: XVIII.

The present convention shall remain in force for the space of ten years counting from the day of the exchange of the ratifications which shall be exchanged at Berlin within the period of six months.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof the Plenipotentiaries have signed and sealed this Convention.

Berlin the 11. of December 1871.

GEO BANCROFT [SEAL.]  
B KÖENIG [SEAL.]

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 PROTOCOL.<sup>1</sup>

The Undersigned met this day in order to effect the exchange of the ratifications of the Consular Convention signed on the 11<sup>th</sup> day of December 1871 between the United States of America and Germany.

Before proceeding to this Act, the Undersigned, Envoy extraordinary and Minister plenipotentiary of the United States of America, declared:

1. that, in accordance with the instruction given him by his government, with the advice and consent of the Senate, the expression "property" used in the English text of articles III<sup>2</sup> and IX<sup>3</sup> is to be construed as meaning and intending "real estate:"

2. that, according to the laws and the Constitution of the United States, Article X<sup>4</sup> applies not only to persons of the male sex but also to persons of the female sex.

After the Undersigned, President of the office of the Chancellor of the Empire had expressed his concurrence with this declaration, the Acts of ratification, found to be in good and due form, were exchanged, and the present protocol was in duplicate executed.

Berlin, the 29. April 1872.

GEO. BANCROFT  
DELBRUECK.

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<sup>1</sup> By resolution of April 24, 1872, the Senate advised and consented to the execution of this protocol.

<sup>2</sup> Page 193.

<sup>3</sup> Page 195.

<sup>4</sup> Page 195.

# GREAT BRITAIN.

(UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.)

The treaties leading to the establishment of peace between the United States and Great Britain, forming such an important factor in settling the territory and establishing the Government of the United States, are reprinted, although many of the articles have been abrogated by subsequent wars or modified by later conventions.

1782.

## PROVISIONAL TREATY OF PEACE.

*Concluded at Paris November 30, 1782; proclamation ordered by Congress April 11, 1783. (Treaties and Conventions, 1889, p. 370.)*

(As the provisions of all the articles except the separate articles are repeated in the definitive treaty of peace, only the titles of the articles are here given.)

### ARTICLES.

- |  |   |
|--|---|
| I. Independence acknowledged.                | VII. Withdrawal of British armies.          |
| II. Boundaries.                              | VIII. Navigation of the Mississippi River.  |
| III. Fishery rights.                         | IX. Restoration of territory.               |
| IV. Recovery of debts.                       | Separate Article. Boundary of West Florida. |
| V. Restitution of estates.                   |   |
| VI. Confiscations and prosecutions to cease. |   |



1783.

## DEFINITIVE TREATY OF PEACE.

*Concluded at Paris September 3, 1783; ratified by Congress January 14, 1784; proclaimed January 14, 1784. (Treaties and Conventions, 1889, p. 375.)*

## ARTICLES.

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|---|--|
| I. Independence acknowledged.<br>II. Boundaries.<br>III. Fishery rights.<br>IV. Recovery of debts.<br>V. Restitution of estates.<br>VI. Confiscations and prosecutions to<br>cease. | VII. Withdrawal of British armies.<br>VIII. Navigation of the Mississippi<br>River.<br>IX. Restoration of territory.<br>X. Ratification. |
|---|--|

In the Name of the most Holy & undivided Trinity.

It having pleased the divine Providence to dispose the Hearts of the most Serene and Most Potent Prince George the third, by the Grace of God, King of Great Britain, France, & Ireland, Defender of the Faith, Duke of Brunswick and Luneburg, Arch-Treasurer, and Prince Elector of the Holy Roman Empire &c<sup>a</sup>., and of the United States of America to forget all past Misunderstandings and Differences that have unhappily interrupted the good Correspondence and Friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory Intercourse between the two Countries upon the Ground of reciprocal Advantages and mutual Convenience as may promote and secure to both perpetual Peace & harmony; and having for this desirable End already laid the Foundation of Peace & Reconciliation, by the Provisional Articles signed at Paris, on the 30<sup>th</sup> of Nov<sup>r</sup>., 1782, by the Commissioners empower'd on each Part, which Articles were agreed to be inserted in and to constitute the Treaty of Peace proposed to be concluded between the Crown of Great Britain and the said United States, but which Treaty was not to be concluded until Terms of Peace should be agreed upon between Great Britain & France, and his Britannic Majesty should be ready to conclude such Treaty accordingly: and the Treaty between Great Britain & France having since been concluded, His Britannic Majesty & the United States of America, in Order to carry into full Effect the Provisional Articles above mentioned, according to the Tenor thereof, have constituted & appointed, that is to say, His Britannic Majesty on his part, David Hartley Esq<sup>r</sup>, Member of the Parliament of Great Britain; and the said United States on their Part, John Adams, Esq<sup>r</sup>, late a Commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts and Chief Justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, Esq<sup>re</sup> late Delegate in Congress

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Federal cases: *Respublica v. Gordon*, 1 Dall., 233; *Georgia v. Brailsford*, 3 Dall., 1; *Ware v. Hylton*, 3 Dall., 199; *Hunter v. Fairfax*, 3 Dall., 305; *Hopkirk v. Bell*, 3 Cranch, 454, 4 Cranch, 164; *M'Ilvaine v. Coxe's Lessee*, 4 Cranch, 209; *Higginson v. Mein*, 4 Cranch, 415; *Owings v. Norwood's Lessee*, 5 Cranch, 344; *Smith v. Maryland*, 6 Cranch, 286; *Fairfax v. Hunter*, 7 Cranch, 603; *Martin v. Hunter's Lessee*, 1 Wheat., 304; *Orr v. Hodgson*, 4 Wheat., 453; *Blight's Lessee v. Rochester*, 7 Wheat., 535; *Society for Propagation of the Gospel v. New Haven*, 8 Wheat., 464; *Harcourt v. Gaillard*, 12 Wheat., 523; *Shanks v. Dupont*, 3 Pet., 242; *Carver v. Jackson*, 4 Pet., 1; *U. S. v. Repentigny*, 5 Wall., 211; *Hylton's Lessee v. Brown*, 1 Wash. C. C., 298, 343; *Gordon's Lessee v. Kerr*, 1 Wash. C. C., 322; *Fisher v. Harnden*, 1 Paine C. C., 55; *Jones v. Walker*, 2 Paine C. C., 688; *Dunlop v. Alexander*, 1 Cranch C. C., 498.

from the State of Pennsylvania, President of the Convention of the s<sup>d</sup> State, and Minister Plenipotentiary from the United States of America at the Court of Versailles; John Jay, Esq<sup>re</sup>, late President of Congress, and Chief Justice of the State of New-York & Minister Plenipotentiary from the said United States at the Court of Madrid; to be the Plenipotentiaries for the concluding and signing the present Definitive Treaty; who after having reciprocally communicated their respective full Powers, have agreed upon and confirmed the following Articles:

#### ARTICLE 1<sup>st</sup>

His Britannic Majesty acknowledges the s<sup>d</sup> United States, viz. New-Hampshire, Massachusetts Bay, Rhode-Island & Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina & Georgia, to be free sovereign & Independent States; that he treats with them as such, and for himself his Heirs and Successors, relinquishes all claims to the Government Propriety & Territorial Rights of the same & every Part thereof.

#### ARTICLE 2<sup>d</sup>

And that all Disputes which might arise in future on the Subject of the Boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are and shall be their Boundaries, viz. From the North West Angle of Nova Scotia, viz. That Angle which is formed by a Line drawn due North from the Source of Saint Croix River to the Highlands along the said Highlands which divide those Rivers that empty themselves into the River S<sup>t</sup> Lawrence, from those which fall into the Atlantic Ocean, to the Northwesternmost Head of Connecticut River: Thence down along the middle of that River, to the forty fifth Degree of North Latitude; From thence by a Line due West on said Latitude until it strikes the River Iroquois or Cataraquy; Thence along the middle of said River into Lake Ontario; through the Middle of said Lake until it strikes the Communication by Water between that Lake & Lake Erie; Thence along the middle of said Communication into Lake Erie; through the middle of said Lake until it arrives at the Water Communication between that Lake & Lake Huron; Thence along the middle of said Water-Communication into the Lake Huron, thence through the middle of said Lake to the Water Communication between that Lake & Lake Superior, thence through Lake Superior Northward of the Isles Royal & Phelipeaux, to the Long Lake; Thence through the Middle of said Long-Lake, and the Water Communication between it & the Lake of the Woods, to the said Lake of the Woods; Thence through the said Lake to the most Northwestern Point thereof, and from thence on a due West Course to the River Mississippi, Thence by a Line to be drawn along the Middle of the said River Mississippi until it shall intersect the Northernmost Part of the thirty first Degree of North Latitude. South, by a Line to be drawn due East from the Determination of the Line last mentioned, in the Latitude of thirty one Degrees North of the Equator, to the Middle of the River Apalachicola or Catahouche. Thence along the middle thereof to its Junction with the Flint River, Thence strait to the Head of S<sup>t</sup>. Mary's River, and thence down along the middle of S<sup>t</sup>. Mary's River to the Atlantic Ocean. East, by a Line to be drawn along the Middle of the River S<sup>t</sup>. Croix, from its Mouth in the Bay of Fundy to its Source, and from its Source directly North to the aforesaid Highlands, which divide the Rivers that fall into the Atlantic Ocean from

those which fall into the River S<sup>t</sup>. Lawrence; comprehending all Islands within twenty Leagues of any Part of the Shores of the United States, & lying between Lines to be drawn due East from the Points where the aforesaid Boundaries between Nova Scotia on the one Part and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such Islands as now are or heretofore have been within the Limits of the said Province of Nova Scotia.

#### ARTICLE 3<sup>d</sup>.

It is agreed that the People of the United States shall continue to enjoy unmolested the Right to take Fish of every kind on the Grand Bank and on all the other Banks of New-foundland, also in the Gulph of S<sup>t</sup> Lawrence, and at all other Places in the Sea where the Inhabitants of both Countries used at any time heretofore to fish. And also that the Inhabitants of the United States shall have Liberty to take Fish of every kind on such Part of the Coast of New-foundland as British Fishermen shall use, (but not to dry or cure the same on that Island) and also on the Coasts Bays & Creeks of all other of his Britannic Majesty's Dominions in America, and that the American Fishermen shall have Liberty to dry and cure Fish in any of the unsettled Bays, Harbours and Creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled but so soon as the same or either of them shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such Settlement, without a previous Agreement for that purpose with the Inhabitants, Proprietors or Possessors of the Ground.

#### ARTICLE 4<sup>th</sup>.

It is agreed that Creditors on either Side shall meet with no lawful Impediment to the Recovery of the full Value in Sterling Money of all bona fide Debts heretofore contracted.

#### ARTICLE 5<sup>th</sup>.

It is agreed that the Congress shall earnestly recommend it to the Legislatures of the respective States to provide for the Restitution of all Estates, Rights and Properties which have been confiscated belonging to real British Subjects; and also of the Estates Rights and Properties of Persons resident in Districts in the Possession of his Majesty's Arms, and who have not borne Arms against the said United States. And that Persons of any other Description shall have free Liberty to go to any Part or Parts of any of the thirteen United States and therein to remain twelve Months unmolested in their Endeavours to obtain the Restitution of such of their Estates Rights & Properties as may have been confiscated. And that Congress shall also earnestly recommend to the several States, a Reconsideration and Revision of all Acts or Laws regarding the Premises, so as to render the said Laws or Acts perfectly consistent, not only with Justice and Equity, but with that Spirit of Conciliation, which, on the Return of the Blessings of Peace should universally prevail. And that Congress shall also earnestly recommend to the several States, that the Estates, Rights and Properties of such last mentioned Persons shall be restored to them, they refunding to any Persons who may be now in Possession, the bonâ fide Price (where any has been given) which such Persons may

have paid on purchasing any of the said Lands, Rights or Properties, since the Confiscation.

And it is agreed that all Persons who have any Interest in confiscated Lands, either by Debts, Marriage Settlements, or otherwise, shall meet with no lawful Impediment in the Prosecution of their just Rights.

#### ARTICLE 6<sup>th</sup>

That there shall be no future Confiscations made nor any Prosecutions commenc'd against any Person or Persons for or by Reason of the Part, which he or they may have taken in the present War, and that no Person shall on that Account suffer any future Loss or Damage, either in his Person Liberty or Property; and that those who may be in Confinement on such Charges at the Time of the Ratification of the Treaty in America shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

#### ARTICLE 7<sup>th</sup>

There shall be a firm and perpetual Peace between his Britannic Majesty and the said States and between the Subjects of the one, and the Citizens of the other, wherefore all Hostilities both by Sea and Land shall from henceforth cease: All Prisoners on both Sides shall be set at Liberty, and his Britannic Majesty shall with all convenient speed, and without causing any Destruction, or carrying away any Negroes or other Property of the American Inhabitants, withdraw all his Armies, Garrisons & Fleets from the said United States, and from every Port, Place and Harbour within the same; leaving in all Fortifications the American Artillery that may be therein: And shall also order & cause all Archives, Records, Deeds & Papers belonging to any of the said States, or their Citizens, which in the Course of the War may have fallen into the Hands of his Officers, to be forthwith restored and deliver'd to the proper States and Persons to whom they belong.

#### ARTICLE 8<sup>th</sup>

The Navigation of the River Mississippi, from its source to the Ocean shall for ever remain free and open to the Subjects of Great Britain, and the Citizens of the United States.

#### ARTICLE 9<sup>th</sup>

In Case it should so happen that any Place or Territory belonging to great Britain or to the United States should have been conquer'd by the Arms of either from the other before the arrival of the said Provisional Articles in America it is agreed that the same shall be restored without Difficulty and without requiring any Compensation.

#### ARTICLE 10<sup>th</sup>

The solemn Ratifications of the present Treaty expedited in good & due Form shall be exchanged between the contracting Parties in the Space of Six Months or sooner if possible to be computed from the Day of the Signature of the present Treaty. In Witness whereof we the undersigned their Ministers Plenipotentiary have in their Name

and in Virtue of our Full Powers signed with our Hands the present Definitive Treaty, and caused the Seals of our Arms to be affix'd thereto.

Done at Paris, this third Day of September, In the year of our Lord one thousand seven hundred & eighty three.

D HARTLEY.  
[SEAL.]  
JOHN ADAMS.  
[SEAL.]  
B FRANKLIN  
[SEAL.]  
JOHN JAY.  
[SEAL.]

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1794.

TREATY OF AMITY, COMMERCE, AND NAVIGATION.

(JAY TREATY.)

*Concluded November 19, 1794; ratification advised by the Senate with amendment June 24, 1795; ratified by the President; ratification exchanged October 28, 1795; proclaimed February 29, 1796. (Treaties and Conventions, 1889, p. 379.)*

This treaty consisted of twenty-eight articles and an additional article relating to the West Indian trade. Articles XI to XXVII expired by their own limitation October 28, 1807, and the entire treaty terminated by the war declared June 18, 1812. The commission under Article V made a declaration, October 25, 1798, as to the true St. Croix River named in the treaty. The commission under Article VI, to consider claims arising from obstructions of judicial remedies, met at Philadelphia May 29, 1797, and their meetings finally suspended July 31, 1799, owing to disagreements. By the treaty of 1802, \$2,664,000 was provided to be paid to Great Britain in settlement of these claims. The commission under Article VII, to consider claims arising from illegal captures, met at London August 16, 1796, and suspended its sessions July 20, 1799. The meetings were resumed under the treaty of 1802 and the final meeting was held February 4, 1804. The awards against the United States amounted to \$143,428.14 and against Great Britain to \$11,656,000.

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Federal cases: *Fitzsimmons v. Newport Ins. Co.*, 4 Cranch, 185; *Fairfax v. Hunter*, 7 Cranch, 603; *Harden v. Fisher*, 1 Wheat., 300; *Jackson v. Clarke*, 3 Wheat., 1; *Craig v. Radford*, 3 Wheat., 594; *Orr v. Hodgson*, 4 Wheat., 453; *Blight's Lessee v. Rochester*, 7 Wheat., 535; *Society for the Propagation of the Gospel v. New Haven*, 8 Wheat., 464; *Hughes v. Edwards*, 9 Wheat., 489; *Shanks v. Dupont*, 3 Pet., 242; *Forsyth v. Reynolds*, 15 How., 358; *U. S. v. Nash*, Bee's Adm. Rep., 267; *Fisher v. Harnden*, 1 Paine C. C., 55; *Jackson v. Porter*, 1 Paine C. C., 457; *Society for the Propagation of the Gospel v. Wheeler*, 2 Gallison, 105; *Gray v. U. S.*, 21 Ct. Cl., 340.

1796.

ARTICLE EXPLANATORY TO ARTICLE III, TREATY OF 1794.

*Concluded May 4, 1796 ; ratification advised by the Senate May 9, 1796.*  
(Treaties and Conventions, 1889, p. 395.)

This article related to the passage of Indians into the territories of both nations. The treaty of 1794 terminated by the declaration of the war of 1812.

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1798.

ARTICLE EXPLANATORY TO ARTICLE V, TREATY OF 1794.

*Concluded March 15, 1798 ; ratification advised by the Senate June 5, 1798.* (Treaties and Conventions, 1889, p. 396.)

This article authorized the commission under Article V of the treaty of 1794 to designate the source of the St. Croix River. The declaration was made October 25, 1798.

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1802.

CONVENTION FOR PAYMENT OF INDEMNITIES AND SETTLEMENT OF DEBTS.

*Concluded January 8, 1802 ; ratification advised by the Senate April 26, 1802 ; ratified by the President April 27, 1802 ; ratifications exchanged July 15, 1802 ; proclaimed April 27, 1802.* (Treaties and Conventions, 1889, p. 398.)

This convention of five articles provides for the payment to Great Britain of £600,000 in full for the claims submitted under Article VI of the treaty of 1794, and for the continuation of the commission under Article VII, and it was agreed that the awards should be paid in three annual installments. It was also agreed that creditors of either country should meet with no impediment in the collection of their debts.

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Federal cases: *Hopkirk v. Bell*, 3 Cranch, 454, 4 Cranch, 164; *Dunlop v. Alexander*, 1 Cranch C. C., 498.



1814.

## TREATY OF PEACE AND AMITY.

(TREATY OF GHENT.)

*Concluded at Ghent December 24, 1814; ratification advised by the Senate February 16, 1815; ratified by the President February 17, 1815; ratifications exchanged February 17, 1815; proclaimed February 18, 1815. (Treaties and Conventions, 1889, p. 399.)*

## ARTICLES.

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| <p>I. Peace declared; restoration of territory, archives, etc.</p> <p>II. Cessation of hostilities.</p> <p>III. Release of prisoners.</p> <p>IV. Boundaries; determination of north-eastern.</p> <p>V. Boundaries; determination of northern, from St. Croix River to St. Lawrence River.</p> <p>VI. Boundaries; determination of northern, from St. Lawrence River to Lake Superior.</p> | <p>VII. Boundaries; determination of northern, from Lake Huron to Lake of the Woods.</p> <p>VIII. Powers of boundary commissions, etc.</p> <p>IX. Cessation of hostilities with Indians.</p> <p>X. Abolition of slave trade.</p> <p>XI. Ratification.</p> |
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His Britannic Majesty and the United States of America desirous of terminating the War which has unhappily subsisted between the two Countries and of restoring upon principles of perfect reciprocity, Peace, Friendship and good Understanding between them, have for that purpose appointed their respective Plenipotentiaries, that is to say, His Britannic Majesty on his part, has appointed the Right Honourable James Lord Gambier, late Admiral of the White, now Admiral of the Red Squadron of His Majesty's Fleet; Henry Goulburn Esquire, a Member of the Imperial Parliament and Under Secretary of State; and William Adams Esquire, Doctor of Civil Laws: and the President of the United States by and with the advice and consent of the Senate thereof has appointed John Quincy Adams, James A Bayard, Henry Clay, Jonathan Russell and Albert Gallatin Citizens of the United States; who after a reciprocal communication of their respective Full Powers have agreed upon the following articles.—

## ARTICLE THE FIRST.

There shall be a firm and universal Peace between His Britannic Majesty and the United States and between their respective Countries, Territories, Cities, Towns and people, of every degree without exception of places or persons. All hostilities both by Sea and land shall cease as soon as this Treaty shall have been ratified by both parties as hereinafter mentioned. All territory, places and possessions whatsoever taken by either party from the other during the War, or which may be taken after the signing of this Treaty excepting only the Islands hereinafter mentioned shall be restored without delay and without causing any destruction or carrying away any of the Artillery or other public property originally captured in the said forts or places and which shall remain therein upon the Exchange of the Ratifications of this Treaty or any Slaves or other private property. And all Archives Records, Deeds and Papers either of a public nature or belonging to private persons, which in the course of the War may

have fallen into the hands of the officers of either party, shall be as far as may be practicable forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the Islands in the Bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the Exchange of the Ratifications of this Treaty until the decision respecting the title to the said Islands shall have been made in conformity with the fourth Article of this Treaty. No disposition made by this Treaty as to such possession of the Islands and territories claimed by both parties shall in any manner whatever be construed to affect the right of either.

#### ARTICLE THE SECOND

Immediately after the ratifications of this Treaty by both parties as hereinafter mentioned, orders shall be sent to the Armies, Squadrons, Officers, Subjects and Citizens of the two Powers to cease from all hostilities: and to prevent all causes of complaint which might arise on account of the prizes which may be taken at Sea after the said ratifications of this Treaty, it is reciprocally agreed that all vessels and effects which may be taken after the space of twelve days from the said Ratifications upon all parts of the Coast of North America from the Latitude of Twenty three degrees North to the Latitude of Fifty degrees North and as far eastward in the Atlantic Ocean as the Thirty sixth degree of West Longitude from the Meridian of Greenwich shall be restored on each side:—that the time shall be thirty days in all other parts of the Atlantic Ocean North of the Equinoctial line or Equator:—and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies:—forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean:—sixty days for the Atlantic Ocean South of the Equator, as far as the Latitude of the Cape of Good Hope:—ninety days for every other part of the World South of the Equator and one hundred and twenty days for all other parts of the World without exception.

#### ARTICLE THE THIRD

All Prisoners of War taken on either side as well by land as by sea shall be restored as soon as practicable after the Ratifications of this Treaty as hereinafter mentioned on their paying the debts which they may have contracted during their captivity. The two Contracting Parties respectively engage to discharge in specie the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

#### ARTICLE THE FOURTH

Whereas it was stipulated by the second Article in the Treaty of peace of One thousand seven hundred and eighty three between His Britannic Majesty and the United States of America that the Boundary of the United States should comprehend all Islands within Twenty Leagues of any part of the Shores of the United States and lying between lines to be drawn due East from the points where the aforesaid boundaries between Nova Scotia on the one part and East Florida on the other shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such Islands as now are, or heretofore

have been, within the limits of Nova Scotia, and whereas the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid Boundaries, which said Islands are claimed as belonging to His Britannic Majesty as having been at the time of, and previous to, the aforesaid Treaty of one Thousand seven hundred and eighty three within the limits of the Province of Nova Scotia: In order therefore finally to decide upon these claims it is agreed that they shall be referred to two Commissioners to be appointed in the following manner viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States by and with the advice and consent of the Senate thereof and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively. The said Commissioners shall meet at S<sup>t</sup> Andrews in the Province of New Brunswick and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall by a declaration or report under their hands and seals decide to which of the two Contracting Parties the several Islands aforesaid do respectively belong in conformity with the true intent of the said Treaty of Peace of one thousand seven hundred and eighty three. And if the said Commissioners shall agree in their decision both parties shall consider such decision as final and conclusive. It is further agreed that in event of the Two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing or declining or wilfully omitting to act as such they shall make jointly or separately a report or reports as well to the Government of His Britannic Majesty as to that of the United States stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they or either of them have so refused declined or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports or upon the report of one Commissioner together with the grounds upon which the other Commissioner shall have refused declined or omitted to act as the case may be. And if the Commissioner so refusing, declining or omitting to act shall also wilfully omit to state the grounds upon which he has so done in such manner that the said statement may be referred to such friendly Sovereign or State together with the report of such other Commissioner then such Sovereign or State shall decide *ex parte* upon the said report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly sovereign or state to be final and conclusive on all the matters so referred.

#### ARTICLE THE FIFTH

Whereas neither that point of the Highlands lying due North from the source of the River S<sup>t</sup> Croix and designated in the former Treaty of Peace between the two Powers as the North West Angle of Nova

Scotia, nor the North Westernmost head of Connecticut River has yet been ascertained; and whereas that part of the boundary line between the Dominions of the Two Powers which extends from the source of the River S<sup>t</sup> Croix directly North to the abovementioned North West Angle of Nova Scotia, thence along the said Highlands which divide those Rivers that empty themselves into the River S<sup>t</sup>. Lawrence from those which fall into the Atlantic Ocean to the North Westernmost head of Connecticut River, thence down along the middle of that River to the forty fifth degree of North Latitude, thence by a line due west on said Latitude until it strikes the River Iroquois or Cataraquy, has not yet been surveyed: it is agreed that for these several purposes two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article unless otherwise specified in the present Article: The said Commissioners shall meet at S<sup>t</sup> Andrews in the Province of New Brunswick and shall have power to adjourn to such other place or places as they shall think fit.—The said Commissioners shall have power to ascertain and determine the points abovementioned in conformity with the provisions of the said Treaty of peace of one thousand seven hundred and eighty three and shall cause the boundary aforesaid from the source of the river S<sup>t</sup>. Croix to the River Iroquois or Cataraquy to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary and annex to it a declaration under their hands and seals certifying it to be the true Map of the said Boundary, and particularizing the latitude and longitude of the North West Angle of Nova Scotia, of the North Westernmost head of Connecticut River, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said Boundary. And in the event of the said two Commissioners differing, or both, or either of them refusing declining or wilfully omitting to act, such reports declarations or statements shall be made by them or either of them, and such reference to a friendly Sovereign or State shall be made in all respects as in the latter part of the fourth Article is contained and in as full a manner as if the same was herein repeated.

#### ARTICLE THE SIXTH

Whereas by the former Treaty of Peace that portion of the boundary of the United States from the point where the forty fifth degree of North Latitude strikes the River Iroquois or Cataraquy to the Lake Superior was declared to be “along the middle of said River into “Lake Ontario, through the middle of said Lake until it strikes the “communication by water between that Lake and Lake Erie thence “along the middle of said communication into Lake Erie through the “middle of said Lake until it arrives at the water communication into “the Lake Huron; thence through the middle of said lake to the water “communication between that lake and Lake Superior:” and whereas doubts have arisen what was the middle of the said River, Lakes and water communications and whether certain Islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order therefore finally to decide these doubts, they shall be referred to two Commissioners to be appointed, sworn and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article unless otherwise specified in this

present Article. The said Commissioners shall meet in the first instance at Albany in the State of New York and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall by a report or declaration under their hands and seals designate the boundary through the said river, lakes, and water communications and decide to which of the two Contracting Parties the several Islands lying within the said Rivers, Lakes and water communications do respectively belong in conformity with the true intent of the said Treaty of one thousand seven hundred and eighty three. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing or both or either of them refusing declining or wilfully omitting to act such reports, declarations or statements shall be made by them or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the Fourth Article is contained and in as full a manner as if the same was herein repeated.

#### ARTICLE THE SEVENTH

It is further agreed that the said two last mentioned Commissioners after they shall have executed the duties assigned to them in the preceding Article, shall be and they are hereby authorized upon their oaths impartially to fix and determine according to the true intent of the said Treaty of Peace of one thousand seven hundred and eighty three, that part of the boundary between the dominions of the two Powers, which extends from the water communication between Lake Huron and Lake Superior to the most North Western point of the Lake of the Woods;—to decide to which of the two Parties the several Islands lying in the Lakes, water communications, and Rivers forming the said boundary do respectively belong in conformity with the true intent of the said Treaty of Peace of one thousand seven hundred and eighty three and to cause such parts of the said boundary as require it to be surveyed and marked. The said Commissioners shall by a report or declaration under their hands and seals designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the Latitude and Longitude of the most North Western point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing or both or either of them refusing declining or wilfully omitting to act such reports declarations or statements shall be made by them or either of them and such reference to a friendly Sovereign or State shall be made in all respects as in the latter part of the fourth Article is contained and in as full a manner as if the same was herein repeated.

#### ARTICLE THE EIGHTH.

The several boards of two Commissioners mentioned in the four preceding Articles shall respectively have power to appoint a Secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements and decisions, and of their accounts, and of the Journal of their proceedings shall be delivered by them to the Agents of His Britannic Majesty and to the Agents of the United States who



may be respectively appointed and authorized to manage the business on behalf of their respective governments. The said Commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the Exchange of the Ratifications of this Treaty. And all other expenses attending the said Commissions shall be defrayed equally by the two parties. And in the case of death, sickness, resignation or necessary absence the place of every such Commissioner respectively shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioner shall take the same oath or affirmation, and do the same duties. It is further agreed between the two Contracting Parties that in case any of the Islands mentioned in any of the preceding Articles, which were in the possession of one of the parties prior to the commencement of the present War between the two Countries should by the decision of any of the boards of Commissioners aforesaid, or of the Sovereign or State so referred to as in the four next preceding Articles contained fall within the dominions of the other party, all grants of Land made previous to the commencement of the War by the party having had such possession shall be as valid as if such Island or Islands had by such decision or decisions been adjudged to be within the dominions of the party having had such possession.

#### ARTICLE THE NINTH

The United States of America engage to put an end immediately after the ratification of the present Treaty to hostilities with all the Tribes or Nations of Indians with whom they may be at war at the time of such ratification and forthwith to restore to such Tribes or Nations respectively all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven previous to such hostilities. Provided always that such Tribes or Nations shall agree to desist from all hostilities against the United States of America, their Citizens and Subjects, upon the ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly. And His Britannic Majesty engages on his part to put an end immediately after the ratification of the present Treaty to hostilities with all the Tribes or Nations of Indians with whom He may be at War at the time of such Ratification, and forthwith to restore to such Tribes or Nations respectively all the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven previous to such hostilities. Provided always that such Tribes or Nations shall agree to desist from all hostilities against His Britannic Majesty and His Subjects upon the ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly.

#### ARTICLE THE TENTH

Whereas the traffic in Slaves is irreconcilable with the principles of humanity and Justice and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object.



## ARTICLE THE ELEVENTH.

This Treaty when the same shall have been ratified on both sides without alteration by either of the Contracting parties, and the Ratifications mutually exchanged, shall be binding on both parties, and the Ratifications shall be exchanged at Washington in the space of four Months from this day or sooner if practicable.

In faith whereof We the respective Plenipotentiaries have signed this Treaty, and have thereunto affixed our Seals.

Done in triplicate at Ghent the twenty fourth day of December one thousand eight hundred and fourteen.

[SEAL.]	GAMBIER.
[SEAL.]	HENRY GOULBURN
[SEAL.]	WILLIAM ADAMS
[SEAL.]	JOHN QUINCY ADAMS.
[SEAL.]	J. A. BAYARD
[SEAL.]	H. CLAY
[SEAL.]	JON <sup>a</sup> RUSSELL
[SEAL.]	ALBERT GALLATIN

COMMISSION UNDER ARTICLE IV.—ISLANDS IN PASSAMAQUODDY BAY  
PART OF BAY OF FUNDY.

The commission appointed under Article IV met September, 1816, and decided November 24, 1817, as to the ownership of the islands in Passamaquoddy Bay. The boundary line in Passamaquoddy Bay was marked by commissioners appointed under the treaty of 1892, p. 264.

*Decision of the Commissioners under the fourth article of the Treaty of Ghent. November 24, 1817.*

By Thomas Barclay and John Holmes Esquires Commissioners, appointed by virtue of the fourth Article of the Treaty of Peace and Amity between His Britannic Majesty and The United States of America concluded at Ghent on the twenty fourth day of december One Thousand eight hundred and fourteen to decide to which of the two Contracting parties to the said Treaty the several Islands in the Bay of Passamaquoddy which is part of the Bay of Fundy and the Island of Grand Menan in the said Bay of Fundy do respectively belong, in conformity with the true intent of the second Article of the Treaty of Peace of One Thousand seven hundred and eighty three between His said Britannic Majesty and the aforesaid United States of America.

We the said Thomas Barclay and John Holmes Commissioners as aforesaid having been duly sworn impartially to examine and decide upon the said claims according to such evidence as should be laid before us on the part of His Britannic Majesty and The United States respectively Have decided and do decide that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy which is part of the Bay of Fundy do and each of them does belong to The United States of America and we have also decided and do decide that all the other Islands and each and every of them in the said Bay of Passamaquoddy which is part of the Bay of Fundy and the Island of Grand Menan in the said Bay of Fundy do belong to His said Britannic Majesty in conformity with the true intent of the said second Article of said Treaty of One Thousand seven hundred and eighty three.

In faith and Testimony whereof we have set our hands and affixed our Seals at the City of New York in the State of New York in the United States of America

This twenty fourth day of November, in the year of our Lord one thousand eight hundred and seventeen.

JOHN HOLMES [SEAL.]  
THO BARCLAY [SEAL.]

Witness:

JAMES T. AUSTIN, *Agt. U. S. A.*  
ANTH: BARCLAY, *Sec'y.*

**COMMISSION UNDER ARTICLE V.—BOUNDARY FROM THE SOURCE OF THE SAINT CROIX RIVER TO THE SAINT LAWRENCE RIVER.**

The commission met September 23, 1816, and, having disagreed, held their last meeting April 13, 1822. By the convention of 1827 the dispute was left to the decision of the King of the Netherlands, who delivered his award January 10, 1831, which was not accepted by either Government, and the boundary was finally agreed to in the Webster-Ashburton Treaty, p. 225.

**COMMISSION UNDER ARTICLE VI.—BOUNDARY FROM THE SAINT LAWRENCE RIVER TO LAKE SUPERIOR.**

The commission met November 18, 1816, and, having agreed, held their last meeting June 22, 1822. The following is their decision:

***DECISION OF THE COMMISSIONERS UNDER THE SIXTH ARTICLE OF THE TREATY OF GHENT. DONE AT UTICA, IN THE STATE OF NEW YORK, 18TH JUNE. 1822.***

The Undersigned Commissioners, appointed, sworn, and authorized, in virtue of the Sixth Article of the treaty of Peace and Amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the twenty fourth day of December, in the year of our Lord, One thousand eight hundred and fourteen, impartially to examine, and, by a Report or Declaration, under their hands & seals, to designate, "that portion of the boundary of the United States, from the point where the 45th degree of north latitude, strikes the river Iroquois or Cataraqua, along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie, thence along the middle of said communication, into Lake Erie, through the middle of said Lake, until it arrives at the water communication into Lake Huron, thence through the middle of said water communication into Lake Huron, thence, through the middle of said lake, to the water communication between that lake and Lake Superior," and, to "decide to which of the two contracting parties the several islands, lying within the said rivers, lakes and water communications, do respectively belong, in conformity with the true intent of the treaty of 1783:" Do Decide and Declare, that the following described line (which is more clearly indicated on a series of Maps accompanying this report, exhibiting, correct surveys and delineations of all the rivers, lakes, water communications and islands, embraced by the sixth Article of the Treaty of Ghent, by a black line, shaded on the British side with red, and on the American side with blue; and each sheet of which series of Maps is identified by certificate, subscribed by the Commissioners and by the two principal surveyors employed by them) is the true boundary intended by the two before mentioned treaties: That is to say,

Beginning at a Stone monument, erected by Andrew Ellicott Esquire, in the year of our Lord one thousand eight hundred and seventeen, on the south bank or shore of the said river Iroquois or Cataraqua, (now called the St Lawrence,) which Monument bears south seventy four degrees and forty five minutes west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St Regis, and indicates the point at which the forty fifth parallel of north latitude strikes the said river: Thence running north thirty five degrees and forty five minutes west, into the river, on a line at right angles with the southern shore, to a point one hundred yards south of the opposite island, called Cornwall Island; Thence, turning westerly, and passing around the southern and western sides of said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores, to a point opposite to the north west corner or angle of said island: Thence to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's Island: Thence northerly, along the channel which divides the last mentioned island from the Canada Shore, keeping one hundred yards distant from the island, until it approaches Sheiks Island: Thence along the middle of the strait which divides Barnhart's and Sheik's islands, to the channel, called the long Sault, which separates the two last mentioned islands from the lower Long Sault Island: Thence westerly (crossing the centre of the last mentioned channel) until it approaches within one hundred yards of the north shore of the Lower Sault Island: Thence up the north branch of the river, keeping to the north of, and near, the Lower Sault Island, and also north of, and near, the Upper Sault (sometimes called Baxter's) Island, and south of the two small islands, marked on the Map A and B to the western extremity of the Upper Sault, or Baxter's Island; Thence, passing between the two

islands called The Cats, to the middle of the river above: Thence, along the middle of the river, keeping to the north of the small islands marked C and D; and north also of Chrystlers Island and of the small island next above it, marked E, until it approaches the north east angle of Goose Neck Island; Thence along the passage which divides the last mentioned island from the Canada shore, keeping one hundred yards from the Island, to the upper end of the same; Thence south of, and near, the two small islands called The Nut Islands: Thence north of, and near, the island marked F. and also of the island called Dry or Smuggler's, Island: Thence passing between the islands marked G and H, to the north of the island called Isle au Rapid Plat: Thence along the north side of the last mentioned island, keeping one hundred yards from the shore, to the upper end thereof: Thence along the middle of the river, keeping to the south of, and near, the islands called Cousson (or Tussin) and Presque Isle: Thence up the river, keeping north of, and near, the several Gallop Isles, numbered on the Map 1. 2. 3. 4. 5. 6. 7. 8. 9. & 10, and also of Tick, Tibbet's and Chimney Islands: and south of, and near, the Gallop Isles numbered 11. 12. & 13, and also of Duck Drummond and Sheep Islands: Thence along the middle of the river, passing north of Island No. 14, south of 15. & 16, north of 17, south of 18. 19. 20. 21. 22. 23. 24. 25. and 28, and north of 26. & 27: Thence along the middle of the river, north of Gull Island, and of the islands N°. 29. 32. 33. 34. 35, Bluff Island, and N°. 39. 44. & 45, and to the south of N°. 30. 31. 36. Grenadier Island, & N°. 37. 38. 40. 41. 42. 43. 46. 47. & 48, until it approaches the east end of Well's Island: Thence, to the north of Well's Island, and along the strait which divides it from Rowe's Island, keeping to the north of the small islands N°. 51. 52. 54. 58. 59. & 61, and to the south of the small islands numbered and marked 49. 50. 53. 55. 57. 60 & X, until it approaches the north east point of Grindstone Island: Thence to the north of Grindstone Island, and keeping to the north also of the small islands N°. 63. 65. 67. 68. 70. 72. 73. 74. 75. 76. 77. & 78, and to the south of N°. 62. 64. 66. 69 and 71, until it approaches the southern point of Hickory Island: Thence passing to the south of Hickory Island and of the two small islands lying near it's southern extremity numbered 79. & 80: Thence, to the south of Grand or Long Island, keeping near its southern shore, and passing to the north of Carlton Island, until it arrives opposite to the south western point of said Grand Island in lake Ontario: Thence passing to the north of Grenadier, Fox, Stony, and the Gallop Islands in lake Ontario, and to the south of, and near, the islands called The Ducks, to the middle of the said lake: Thence, westerly along the middle of said lake, to a point opposite the mouth of the Niagara River: Thence, to and up the middle of the said river, to the Great Falls: Thence up the Falls, through the point of the Horse Shoe, keeping to the west of Iris or Goat Island, and of the group of small islands at its head, and following the bends of the river, so as to enter the strait between Navy and Grand Islands: Thence, along the middle of said strait to the head of Navy Island: Thence to the west and south of, and near to, Grand and Beaver Islands, and to the west of Strawberry, Squaw and Bird Islands, to Lake Erie: Thence, southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle Island, being one of the easternmost of the group of islands lying in the western part of said lake: Thence along the said passage, proceeding to the north of Cunningham's Island, of the three Bass Islands, and of the Western Sister, and to the south of the Islands called The Hen and Chickens, and of the Eastern & Middle Sisters: Thence, to the middle of the mouth of the Detroit river, in a direction to enter the channel which divides Bois blanc and Sugar Islands: Thence, up the said channel to the West of Bois Blanc Island, and to the east of Sugar, Fox and Stony, Islands, until it approaches Fighting or Great Turkey Island: Thence, along the western side, and near the shore, of said last mentioned island, to the middle of the river above the same: Thence, along the middle of said river, keeping to the south east of, and near, Hog Island, and to the north west of, and near, the island called Isle a la Pache, to Lake St. Clair: Thence, through the middle of said lake, in a direction to enter that mouth or channel of the river St. Clair which is usually denominated The Old Ship Channel: Thence, along the middle of said channel, between Squirrel Island on the south east, and Herson's Island on the north west, to the upper end of the last mentioned island, which is nearly opposite to Point aux Chenes on the American shore: Thence, along the middle of the river St. Clair, keeping to the west of, and near, the islands called Belle Rivieré Isle, and Isle aux Cerfs, to Lake Huron: Thence, through the middle of lake Huron, in a direction to enter the strait or passage between Drummond's Island on the west, and The little Manitou Island on the east: Thence, through the middle of the passage which divides the two last mentioned islands: Thence, turning northerly and westerly around the eastern and northern shores of Drummonds island, and proceeding in a direction to enter the passage between the island of St Joseph's and the american shore, passing to the north of the intermediate islands N°. 61. 11. 10. 12. 9. 6. 4. & 2, and to the south of those numbered 15. 13. 5. & 1: Thence, up the said last mentioned passage, keeping near to the Island St. Joseph's, and passing to the north and

east of Isle a la Crosse, and of the small islands numbered 16. 17. 18. 19 & 20, and to the south and west of those numbered 21. 22. & 23, until it strikes a line (drawn on the Map with black ink. and shaded on one side of the point of intersection with blue and on the other with red) passing across the river at the head of St. Joseph's Island, and at the foot of the Neebish Rapids; Which line denotes the termination of the boundary directed to be run by the sixth Article of the Treaty of Ghent.

And the said Commissioners Do further decide and declare, that all the Islands lying in the Rivers, Lakes and Water Communications, between the before described Boundary Line and the adjacent shores of Upper Canada, Do, and each of them Does, belong to his Britannic Majesty: and that all the Islands lying in the rivers, lakes, and water communications, between the said Boundary Line and the adjacent shores of the United States, or their Territories, Do, and each of them Does, belong to the United States of America, in conformity with the true intent of the second article of the said Treaty of 1783, and of the sixth article of the Treaty of Ghent.

In faith whereof We, the Commissioners aforesaid, have signed this Declaration, and thereunto affixed our Seals.

Done, in quadruplicate, at Utica, in the State of New York, in the United States of America, this eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty two.

PETER B. PORTER [Seal]  
ANTH: BARCLAY [Seal]

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#### COMMISSION UNDER ARTICLE VII.—BOUNDARY FROM LAKE HURON TO THE LAKE OF THE WOODS.

The commission met June 22, 1822, and, having disagreed, held their final meeting December 24, 1827. By the Convention of 1842 (p. 225), the boundary was agreed to by the two Governments.

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1815.

#### CONVENTION OF COMMERCE AND NAVIGATION.

*Concluded July 3, 1815; ratification advised by the Senate, subject to exception as to the island of St. Helena, December 19, 1815; ratified by the President December 22, 1815; ratifications exchanged December 22, 1815; proclaimed December 22, 1815. (Treaties and Conventions, 1889, p. 410.)*

This convention was continued in force for ten years by Article IV, treaty of 1818, p. 221, and indefinitely extended by convention of August 6, 1827, p. 223.

#### ARTICLES.

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| <p>I. Freedom of commerce and navigation.</p> <p>II. Import and export duties; shipping; trade with British possessions in West Indies and North America.</p> | <p>III. Trade with British East Indies, etc.</p> <p>IV. Consuls.</p> <p>V. Duration; ratification.</p> <p>Declaration. Vessels excluded from island of St. Helena.</p> |
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The United States of America and His Britannick Majesty being desirous, by a Convention, to regulate the Commerce and Navigation, between their respective Countries, Territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory, Have respectively named Plenipotentiaries and given them full powers to treat of and conclude such Convention that is to say The President of the United States by and with the advice and

consent of the Senate thereof hath appointed for their Plenipotentiaries John Quincy Adams, Henry Clay, and Albert Gallatin Citizens of the United States, and His Royal Highness The Prince Regent acting in the name & on the behalf of His Majesty has named for His Plenipotentiaries The Right Honourable Frederick John Robinson vice president of the Committee of Privy Council for Trade and Plantations, Joint Paymaster of His Majesty's Forces, and a Member of the Imperial Parliament, Henry Goulburn, Esquire, a Member of the Imperial Parliament and Under Secretary of State, and William Adams Esquire, Doctor of Civil Laws, and the said Plenipotentiaries having mutually produced and shown their said full powers, and exchanged copies of the same, have agreed on and concluded the following articles, *vide licet*.

#### ARTICLE THE FIRST

There shall be between the Territories of the United States of America and all the Territories of His Britannick Majesty in Europe a reciprocal liberty of Commerce. The Inhabitants of the two Countries respectively shall have liberty freely and securely to come with their ships and cargoes to all such places, Ports and Rivers in the Territories aforesaid to which other Foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said Territories respectively, also to hire and occupy Houses and Warehouses for the purposes of their commerce, and generally the Merchants and Traders of each Nation respectively shall enjoy the most complete protection and security for their Commerce but subject always to the Laws and Statutes of the two countries respectively

#### ARTICLE THE SECOND

No higher or other Duties shall be imposed on the importation into the United States of any articles the growth, produce or Manufacture of His Britannick Majesty's Territories in Europe and no higher or other duties shall be imposed on the importation into the Territories of His Britannick Majesty in Europe of any articles the growth produce or manufacture of the United States than are or shall be payable on the like articles being the growth produce or manufacture of any other foreign country nor shall any higher or other duties or charges be imposed in either of the two Countries, on the Exportation of any articles to the United States, or to His Britannick Majesty's Territories in Europe respectively than such as are payable on the Exportation of the like articles to any other foreign Country. nor shall any prohibition be imposed on the exportation or importation of any articles the growth produce or manufacture of the United States or of His Britannick Majesty's territories in Europe to or from the said Territories of his Britannick Majesty in Europe, or to or from the said United States, which shall not equally extend to all other Nations.

No higher or other duties or charges shall be imposed in any of the Ports of the United States on British Vessels, than those payable in the same ports by Vessels of the United States; nor in the ports of any of His Britannick Majesty Territories in Europe on the Vessels of the United States than shall be payable in the same ports on British vessels.

The same duties shall be paid on the importation into the United States of any articles the growth produce or manufacture of His



Britannick Majestys territories in Europe, whether such importation shall be in vessels of the United States or in British vessels, and the same duties shall be paid on the importation into the ports of any of His Britannick Majestys Territories in Europe of any article the growth produce or manufacture of the United States whether such importation shall be in British vessels, or in vessels of the United States.

The same Duties shall be paid and the same Bounties allowed on the exportation of any articles the growth produce or manufacture of His Britannick Majesty's Territories in Europe to the United States whether such exportation shall be in vessels of the United States or in British Vessels, and the same duties shall be paid and the same Bounties allowed on the exportation of any articles the growth, produce or manufacture of the United States to His Britannick Majesty's Territories in Europe whether such exportation shall be in British Vessels or in Vessels of the United States.

It is further agreed that in all cases where Drawbacks are or may be allowed upon the reexportation of any Goods the growth, produce or manufacture of either Country respectively the amount of the said drawbacks shall be the same whether the said goods shall have been originally imported in a British or an American vessel—But when such reexportation shall take place from the United States in a British vessel or from the Territories of His Britannick Majesty in Europe in an American vessel to any other foreign nation the two Contracting Parties reserve to themselves respectively the Right of regulating or diminishing in such case the amount of the said drawback.

The intercourse between the United States and His Britannick Majesty's possessions in the West indies and on the Continent of North America shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights with respect to such an Intercourse.<sup>1</sup>

#### ARTICLE THE THIRD

His Britannick Majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British Dominions in the East Indies vide licit, Calcutta, Madras Bombay and Prince of Wales' Island, and that the Citizens of the said United States may freely carry on Trade between the said principal settlements and the said United States in all articles of which the importation and exportation respectively to and from the said territories shall not be entirely prohibited—provided only that it shall not be lawful for them in any time of War between the British Government and any State or Power whatever to export from the said Territories without the special permission of the British Government any military stores or naval stores or Rice. The Citizens of the United States shall pay for their vessels when admitted no higher or other duty or charge than shall be payable on the vessels of the most favord European nations and they shall pay no higher or other duties or charges on the importation or exportation of the Car-goes of the said Vessels than shall be payable on the same articles when

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<sup>1</sup> By proclamation of President Jackson, October 5, 1830 (U. S. Stats, Vol. 4, p. 817), the trade with British North America and West Indian possessions was opened to vessels of the United States.



imported or exported in the vessels of the most favored European nations. But it is expressly agreed that the vessels of the United States shall not carry any articles from the said principal settlements to any Port or place Except to some Port or Place in the United States of America where the same shall be unladen.

It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting Trade of the said British Territories, but the vessels of the United States having in the first instance proceeded to one of the said principal settlements of the British Dominions in the East Indies and then going with their original Cargoes or part thereof from one of the said principal settlements to another shall not be considered as carrying on the coasting Trade. The vessels of the United States may also touch for refreshment but not for commerce in the course of their voyage to or from the British Territories in India, or to or from the Dominions of the Emperor of China, at the Cape of Good Hope the Island of S<sup>t</sup> Helena or such other places as may be in the possession of Great Britain in the African or Indian Seas, it being well understood that in all that regards this article The Citizens of the United States shall be subject in all respects to the laws and regulations of the British Government from time to time Established.

#### ARTICLE THE FOURTH

It shall be free for each of the two Contracting Parties respectively to appoint Consuls for the protection of Trade to reside in the dominions and Territories of the other party, but before any Consul shall act as such He shall in the usual form be approved and admitted by the Government to which He is sent, and it is hereby declared that in case of illegal or improper conduct towards the Laws or Government of the Country to which He is sent such Consul may either be punished according to law if the laws will reach the case or be sent back the offended Government assigning to the other the reasons for the same.

It is hereby declared that either of the contracting parties may except from the residence of Consuls such particular places as such Party shall judge fit to be so excepted

#### ARTICLE THE FIFTH

This Convention, when the same shall have been duly ratified by The President of the United States by and with the advice and consent of their Senate and by His Britannick Majesty and the respective ratifications mutually exchanged shall be binding and obligatory on the said United States and His Majesty for four years from the date of its signature and the Ratifications shall be exchanged in six months from this time or sooner if possible.

Done at London this third day of July in the year of our Lord one Thousand eight Hundred and Fifteen.

[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]

JOHN QUINCY ADAMS  
H. CLAY  
ALBERT GALLATIN  
FREDERICK JOHN ROBINSON  
HENRY GOULBURN  
WILLIAM ADAMS

## DECLARATION.

The Undersigned, His Britannick Majesty's Charge d'affaires in the United States of America, is commanded by His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, to explain and declare upon the Exchange of the Ratifications of the Convention concluded at London on the third of July of the present year, for regulating the commerce and navigation between the two Countries, that in consequence of events which have happened in Europe subsequent to the signature of the Convention aforesaid, it has been deemed expedient, and determined, in conjunction with the Allied Sovereigns, that St Helena shall be the place allotted for the future residence of General Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person; and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels as others, excepting only ships belonging to the East India Company shall be excluded from all communication with or approach to that Island.

It has therefore, become impossible to comply with so much of the third article of the Treaty as relates to the liberty of touching for refreshment at the Island of St. Helena, and the Ratifications of the said Treaty will be exchanged under the explicit Declaration and Understanding that the Vessels of the United States cannot be allowed to touch at, or hold any communication whatever with the said Island, so long as the said Island shall continue to be the place of residence of the said Napoleon Bonaparte.<sup>1</sup>

ANTHONY ST. JNO. BAKER.

WASHINGTON, November 24, 1815.

<sup>1</sup> In consequence of the death of Napoleon Bonaparte, the British Government notified the Minister of the United States at London of the cessation of this restriction, on the 30th July. 1821.

1818.

## CONVENTION RESPECTING FISHERIES, BOUNDARY, AND THE RESTORATION OF SLAVES.

*Concluded October 20, 1818; ratification advised by the Senate January 25, 1819; ratified by the President January 28, 1819; ratifications exchanged January 30, 1819; proclaimed January 30, 1819. (Treaties and Conventions, 1889, p. 415.)*

## ARTICLES.

- |   |                                      |
|---|--------------------------------------|
| I. Fisheries.   | IV. Commercial convention extended.  |
| II. Boundary from the Lake of the Woods to the Stony Mountains. | V. Claims for restitution of slaves. |
| III. Country west of the Stony Mountains.                       | VI. Ratification.                    |

The United States of America, and His Majesty The King of the United Kingdom of Great Britain and Ireland, desirous to cement the good Understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say: The President of the United States, on his part, has appointed, Albert Gallatin, Their Envoy Extraordinary and Minister Plenipotentiary to the Court of France; and Richard Rush, Their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty:—And His Majesty has appointed The Right Honorable Frederick John Robinson, Treasurer of His Majesty's Navy, and President of the Committee of Privy Council for Trade and Plantations; and Henry Goulburn Esquire, one of His Majesty's Under Secretaries of State:—Who, after having exchanged their respective Full Powers, found to be in due and proper Form, have agreed to and concluded the following Articles.—

## ARTICLE I.

Whereas differences have arisen respecting the Liberty claimed by the United States for the Inhabitants thereof, to take, dry, and cure Fish on certain Coasts, Bays, Harbours, and Creeks of His Britannic Majesty's Dominions in America, it is agreed between The High Contracting Parties, that the Inhabitants of the said United States shall have forever, in common with the Subjects of His Britannic Majesty, the Liberty to take Fish of every kind on that part of the Southern Coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the Western and Northern Coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the Shores of the Magdalen Islands, and also on the Coasts, Bays, Harbours, and Creeks from Mount Joly on the Southern Coast of Labrador, to and through the Straights of Belleisle and thence Northwardly indefinitely along the Coast, without prejudice however, to any of the exclusive Rights of the Hudson Bay Company: and that the American Fishermen shall also have liberty forever, to dry and cure Fish in any of the unsettled Bays, Harbours, and Creeks of the Southern part of the Coast of Newfoundland hereabove described, and of the Coast of Labrador; but so soon as the same, or any Portion thereof, shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such Portion so settled, without previous agreement for such purpose with the Inhabitants, Proprietors, or Possessors of the Ground.—And the United States hereby renounce forever, any Liberty heretofore enjoyed or claimed by the Inhabitants thereof, to take, dry, or cure Fish on, or within three marine Miles of any of the Coasts, Bays, Creeks, or Harbours of His Britannic Majesty's Dominions in America not included within the above mentioned limits; provided however, that the American Fishermen shall be admitted to enter such Bays or Harbours for the purpose of Shelter and of repairing Damages therein, or purchasing Wood, and of obtaining Water, and for no other purpose whatever. But they shall be under such Restrictions as may be necessary to prevent their taking, drying or curing Fish therein, or in any other manner whatever abusing the Privileges hereby reserved to them.

## ARTICLE II.

It is agreed that a Line drawn from the most North Western Point of the Lake of the Woods, along the forty Ninth Parallel of North Latitude, or, if the said Point shall not be in the Forty Ninth Parallel of North Latitude, then that a Line drawn from the said Point due North or South as the Case may be, until the said Line shall intersect the said Parallel of North Latitude, and from the Point of such Intersection due West along and with the said Parallel shall be the Line of Demarcation between the Territories of the United States, and those of His Britannic Majesty, and that the said Line shall form the Northern Boundary of the said Territories of the United States, and the Southern Boundary of the Territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.—

ARTICLE III.<sup>1</sup>

It is agreed, that any Country that may be claimed by either Party on the North West Coast of America, Westward of the Stony Mountains, shall, together with it's Harbours, Bays, and Creeks, and the

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<sup>1</sup> See Convention of 1827, p. 223.

Navigation of all Rivers within the same, be free and open, for the term of ten years from the date of the Signature of the Present Convention, to the Vessels, Citizens, and Subjects of the Two Powers: it being well understood, that this Agreement is not to be construed to the Prejudice of any Claim, which either of the Two High Contracting Parties may have to any part of the said Country, nor shall it be taken to affect the Claims of any other Power or State to any part of the said Country; the only object of the High Contracting Parties, in that respect, being to prevent disputes and differences amongst Themselves.—

ARTICLE IV.<sup>1</sup>

All the Provisions of the Convention “to regulate the Commerce between the Territories of the United States and of His Britannic Majesty” concluded at London on the third day of July in the year of our Lord one Thousand Eight Hundred and Fifteen, with the exception of the Clause which limited its duration to Four years, & excepting also so far as the same was affected by the Declaration of His Majesty respecting the Island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the Signature of the present Convention, in the same manner, as if all the Provisions of the said Convention were herein specially recited.—

ARTICLE V.<sup>2</sup>

Whereas it was agreed by the first Article of the Treaty of Ghent, that “All Territory, Places, and Possessions whatsoever taken by “either Party from the other during the War, or which may be taken “after the signing of this Treaty, excepting only the Islands herein- “after mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the Artillery or other “public Property originally captured in the said Forts or Places “which shall remain therein upon the Exchange of the Ratifications “of this Treaty, or any Slaves or other private Property”, and whereas under the aforesaid Article the United States claim for their Citizens, and as their private Property, the Restitution of, or full Compensation for all Slaves who, at the date of the Exchange of the Ratifications of the said Treaty, were in any Territory, Places, or Possessions whatsoever directed by the said Treaty to be restored to the United States, but then still occupied by the British Forces, whether such Slaves were, at the date aforesaid, on Shore, or on board any British Vessel lying in Waters within the Territory or Jurisdiction of the United States; and whereas differences have arisen, whether, by the true intent and meaning of the aforesaid Article of the Treaty of Ghent the United States are entitled to the Restitution of, or full Compensation for all or any Slaves as above described, the High Contracting Parties hereby agree to refer the said differences to some Friendly Sovereign or State to be named for that purpose; and the High Contracting Parties further engage to consider the decision of such Friendly Sovereign or State, to be final and conclusive on all the matters referred.

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<sup>1</sup> See Convention of 1815, p. 215.

<sup>2</sup> Referred to Emperor of Russia. See Convention of 1822, p. 222.

## ARTICLE VI.

This Convention, when the same shall have been duly ratified by The President of the United States, by and with the Advice and Consent of their Senate, and by His Britannic Majesty, and the respective Ratifications mutually exchanged, shall be binding and obligatory on the said United States and on His Majesty; and the Ratifications shall be exchanged in Six Months from this date, or sooner, if possible.—

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the Seal of their Arms.—

Done at London this Twentieth day of October, in the Year of Our Lord One Thousand Eight Hundred and Eighteen.—

ALBERT GALLATIN

RICHARD RUSH

FREDERICK JOHN ROBINSON

HENRY GOULBURN

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

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 1822.

## CLAIMS CONVENTION.

*Concluded July 12, 1822; ratification advised by the Senate January 3, 1823; ratified by the President January, 1823; ratifications exchanged January 10, 1823; proclaimed January 11, 1823. (Treaties and Conventions, 1889, p. 418.)*

The Emperor of Russia having decided the United States to be entitled, under Article I of the Treaty of Ghent, to the restitution of slaves carried away by the British forces, this convention provided for a commission to ascertain the average value of the slaves and to decide upon the claims for indemnity. The commission met in Washington August 25, 1823, and having fixed the average value of the slaves, on September 13, 1824, met to consider the claims. Being unable to agree, a new convention was negotiated November 13, 1826, and the commission was dissolved March 26, 1827.

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 1826.

## CONVENTION RELATIVE TO INDEMNITY FOR SLAVES.

*Concluded November 13, 1826; ratification advised by the Senate December 26, 1826; ratified by the President December 27, 1826; ratifications exchanged February 6, 1827; proclaimed March 19, 1827. (Treaties and Conventions, 1889, p. 424.)*

By this convention Great Britain agreed to pay \$1,204,960 as indemnity for slaves carried away. By act of March 2, 1827 (U. S. Stats., Vol. 4, p. 219), a commission was authorized to settle the claims. The first meeting of the commission was held July 10, 1827, and the last August 31, 1828.



## 1827.

## CONVENTION CONTINUING IN FORCE ARTICLE III, TREATY OF 1818.

*Concluded August 6, 1827; ratification advised by the Senate February 5, 1828; ratified by the President February 21, 1828; ratifications exchanged April 2, 1828; proclaimed May 15, 1828. (Treaties and Conventions, 1889, p. 426.)*

This convention provided for the joint temporary occupancy of the territory west of the line that had been established to the Rocky Mountains. The boundary from the Rocky Mountains to the Pacific Ocean was agreed to by the Treaty of 1846, p. 231.

## 1827.

## COMMERCIAL CONVENTION.

*Concluded August 6, 1827; ratification advised by the Senate January 9, 1828; ratified by the President January 12, 1828; ratifications exchanged April 2, 1828; proclaimed May 15, 1828. (Treaties and Conventions, 1889, p. 428.)*

This convention indefinitely extended in force the Commercial Convention of July 3, 1815.

## ARTICLES.

- I. Commercial convention continued.
- II. Duration.
- III. Ratification.

The United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, being desirous of continuing in force the existing commercial regulations between the two Countries, which are contained in the Convention concluded between Them on the Third of July 1815, and further renewed by the Fourth Article of the Convention of the Twentieth of October 1818,—have, for that purpose, named Their respective Plenipotentiaries, that is to say:

The President of the United States of America, Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to His Britannick Majesty:

And His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable Charles Grant, a Member of His said Majesty's Most Honourable Privy Council, a Member of Parliament, and Vice President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations;—and Henry Unwin Addington, Esquire:—

Who, after having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

## ARTICLE I.

All the Provisions of the Convention concluded between the United States of America, and His Majesty The King of the United Kingdom of Great Britain and Ireland, on the Third of July 1815, and further



continued for the term of ten Years by the fourth Article of the Convention of the Twentieth of October 1818, with the exception therein contained, as to S<sup>t</sup> Helena, are hereby further indefinitely, and without the said exception, extended and continued in force, from the date of the expiration of the said ten Years, in the same manner as if all the Provisions of the said Convention of the Third of July 1815, were herein specifically recited.

#### ARTICLE II.

It shall be competent, however, to either of the Contracting Parties, in case either should think fit, at any time after the expiration of the said ten years,—that is, after the Twentieth of October, 1828,—on giving due notice of twelve months to the other Contracting Party, to annul and abrogate this Convention:—and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.

#### ARTICLE III.

The present Convention shall be ratified, and the Ratifications shall be exchanged in Nine Months, or sooner if possible.

In Witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.—

Done at London the Sixth day of August, in the Year of Our Lord One Thousand Eight Hundred and Twenty-Seven.

[SEAL.]	ALBERT GALLATIN
[SEAL.]	CHA. GRANT.
[SEAL.]	HENRY UNWIN ADDINGTON.

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1827.

#### CONVENTION RELATIVE TO THE NORTHEASTERN BOUNDARY.

*Concluded September 29, 1827; ratification advised by the Senate January 14, 1828; ratified by the President February 12, 1828; ratifications exchanged April 2, 1828; proclaimed May 15, 1828. (Treaties and Conventions, 1889, p. 429.)*

The determination of the northeastern boundary by the commission as provided for in Article V of the Treaty of Ghent not having been agreed to, it was referred by this convention of eight articles to the King of the Netherlands, who on January 10, 1831, submitted an award which was not accepted by the two Governments. The boundary was finally determined by the Convention of August 9, 1842, p. 225.

1842.

CONVENTION AS TO BOUNDARIES, SUPPRESSION OF SLAVE TRADE,  
AND EXTRADITION.

(WEBSTER-ASHBURTON TREATY.)

*Concluded August 9, 1842; ratification advised by the Senate August 20, 1842; ratified by the President August 22, 1842; ratifications exchanged October 13, 1842; proclaimed November 10, 1842. (Treaties and Conventions, 1889, p. 432.)*

## ARTICLES.

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|---|--|
| <p>I. Northeastern boundary agreed to.<br/>II. Northern boundary, Lake Huron to Lake of the Woods.<br/>III. Navigation of St. John River.<br/>IV. Confirmation of prior land grants.<br/>V. Distribution of "Disputed territory fund."<br/>VI. Commission to mark northeastern boundary line.</p> | <p>VII. Channels open to both parties.<br/>VIII. Suppression of slave trade.<br/>IX. Remonstrances with other powers.<br/>X. Extradition of fugitives from justice.<br/>XI. Duration.<br/>XII. Ratification.</p> |
|---|--|

Whereas certain portions of the line of boundary between the United States of America and the British Dominions in North America, described in the second article of the treaty of peace of 1783, have not yet been ascertained and determined, notwithstanding the repeated attempts which have been heretofore made for that purpose, and whereas it is now thought to be for the interest of both Parties, that, avoiding further discussion of their respective rights, arising in this respect under the said Treaty, they should agree on a conventional line in said portions of the said boundary, such as may be convenient to both Parties, with such equivalents and compensations, as are deemed just and reasonable:—And whereas by the treaty concluded at Ghent, on the 24<sup>th</sup> day of December 1814, between the United States and His Britannic Majesty, an article was agreed to and inserted of the following tenor, viz: "Art. 10.—Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice: And whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting Parties shall use their best endeavors to accomplish so desirable an object:" and whereas, notwithstanding the laws which have at various times been passed by the two Governments, and the efforts

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Federal cases: In re Kaine, 14 How., 103; U. S. v. Rauscher, 119 U. S., 407; Bryant v. U. S., 167 U. S., 104; In re Kelly, 2 Lowell, 339; In re Dugan, 2 Lowell, 367; Ex parte Ross, 2 Bond, 252; The British Prisoners, 1 Wood. & M., 66; Ex parte Kaine, 3 Blatch., 1; Ex parte Van Aernam, 3 Blatch., 160; U. S. v. Caldwell, 8 Blatch., 131; In re MacDonnell, 11 Blatch., 79, 170; U. S. v. Lawrence, 13 Blatch., 295; In re Fowler, 4 Fed. Rep., 303; Ex parte Lane, 6 Fed. Rep., 34; U. S. v. Watts, 14 Fed. Rep., 130; In re Wadge, 15 Fed. Rep., 864, 16 Fed. Rep., 332; In re Tully, 20 Fed. Rep., 812; In re Miller, 23 Fed. Rep., 32; In re Kelley, 25 Fed. Rep., 268, 26 Fed. Rep., 852; Ex parte Hibbs, 26 Fed. Rep., 421; In re Ferrelle, 28 Fed. Rep., 878; In re McPhun, 30 Fed. Rep., 57; In re Fergus, 30 Fed. Rep., 607; In re Herres, 33 Fed. Rep., 165; In re Charleston, 34 Fed. Rep., 531; In re Reinitz, 39 Fed. Rep., 204; In re Cross, 43 Fed. Rep., 517; In re Mineau, 45 Fed. Rep., 188; Hall v. Patterson, 45 Fed. Rep., 352; In re Carrier, 57 Fed. Rep., 578; In re Sternaman, 77 Fed. Rep., 595; In re Newman, 79 Fed. Rep., 622; In re Bryant, 80 Fed. Rep., 282; In re Orpen, 86 Fed. Rep., 760.

present treaty, the river S<sup>t</sup>. John is declared to be the line of boundary, the navigation of the said river shall be free and open to both Parties, and shall in no way be obstructed by either: that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture not being manufactured, grown on any of those parts of the State of Maine watered by the river S<sup>t</sup>. John, or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the seaport at the mouth of the said river S<sup>t</sup>. John's, and to and round the Falls of the said river, either by boats, rafts, or other conveyance: that when within the Province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said Province: that, in like manner, the inhabitants of the territory of the upper S<sup>t</sup> John, determined by this treaty to belong to her Britannic Majesty, shall have free access to and through the river for their produce, in those parts where the said river runs wholly through the State of Maine: Provided always, that this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this treaty which the Governments, respectively, of Maine or of New Brunswick may make respecting the navigation of the said river, where both banks thereof shall belong to the same party.

#### ARTICLE IV.

All grants of land heretofore made by either Party, within the limits of the territory which by this treaty falls within the dominions of the other Party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this treaty fallen within the dominions of the Party by whom such grants were made: And all equitable possessory claims, arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this treaty, shall, in like manner, be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them.

#### ARTICLE V.

Whereas, in the course of the controversy respecting the disputed territory on the northeastern boundary, some moneys have been received by the authorities of Her Britannic Majesty's Province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which moneys were to be carried to a fund called the "Disputed Territory Fund," the proceeds whereof it was agreed should be hereafter paid over to the Parties interested, in the proportions to be determined by a final settlement of boundaries: It is hereby agreed, that a correct account of all receipts and payments on the said fund, shall be delivered to the Government of the United States, within six months after the ratification of this treaty; and the proportion of the amount due thereon to the States of Maine and

Massachusetts, and any bonds or securities appertaining thereto shall be paid and delivered over to the Government of the United States; and the Government of the United States agrees to receive for the use of, and pay over to the States of Maine and Massachusetts, their respective portions of said fund: And further to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory, and making a survey thereof, in 1838; the Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of three hundred thousand dollars, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor, from the Government of Her Britannic Majesty.

#### ARTICLE VI.

It is furthermore understood and agreed that, for the purpose of running and tracing those parts of the line between the source of the S<sup>t</sup> Croix and the S<sup>t</sup> Lawrence river which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two Commissioners shall be appointed, one by the President of the United States, by and with the advice and consent of the Senate thereof, and one by Her Britannic Majesty: and the said commissioners shall meet at Bangor, in the State of Maine, on the first day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described, from the source of the S<sup>t</sup>. Croix to the river S<sup>t</sup> John; and shall trace on proper maps the dividing line along said river, and along the river S<sup>t</sup> Francis to the outlet of the Lake Pohenagamook; and from the outlet of the said Lake they shall ascertain, fix, and mark by proper and durable monuments on the land, the line described in the first article of this treaty; and the said Commissioners shall make to each of their respective Governments a joint report or declaration, under their hands and seals, designating such line of boundary, and shall accompany such report or declaration with maps certified by them to be true maps of the new boundary.

#### ARTICLE VII.

It is further agreed that the channels in the river S<sup>t</sup> Lawrence on both sides of the Long Sault Islands and of Barnhart Island; the channels in the river Detroit on both sides of the Island Bois Blanc, and between that Island and both the American and Canadian shores; and all the several channels and passages between the various Islands lying near the junction of the river S<sup>t</sup>. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both Parties.

#### ARTICLE VIII.<sup>1</sup>

The parties mutually stipulate that each shall prepare, equip, and maintain in service on the coast of Africa a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two

<sup>1</sup> See Treaty of 1862, p. 238; Treaty of 1863, p. 244; Convention of 1870, p. 247, and General Act of July 2, 1890, p. 706.

countries, for the suppression of the Slave Trade, the said squadrons to be independent of each other, but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and coöperation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such orders to be communicated by each Government to the other respectively.

#### ARTICLE IX.

Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the slave trade, the facilities for carrying on that traffic and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for Slaves, so strong, as that the desired result may be long delayed unless all markets be shut against the purchase of African negroes, the Parties to this treaty agree that they will unite in all becoming representations and remonstrances with any and all Powers within whose dominions such markets are allowed to exist; and that they will urge upon all such Powers the propriety and duty of closing such markets effectually at once and forever.

#### ARTICLE X.<sup>1</sup>

It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisitions by them, or their Ministers, Officers, or Authorities, respectively made, deliver up to justice, all persons who, being charged with the crime of Murder, or assault with intent to commit Murder, or Piracy, or Arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found, within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged, shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed: And the respective Judges and other Magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such Judges or other Magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge it shall be the duty of the examining Judge or Magistrate to certify the same to the proper Executive Authority, that a warrant may issue for the surrender of such fugitive.—The expense of such apprehension and delivery shall be borne and defrayed by the Party who makes the requisition, and receives the fugitive.

#### ARTICLE XI.

The eighth article of this treaty shall be in force for five years from the date of the exchange of the ratifications, and afterwards until one or the other party shall signify a wish to terminate it. The tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

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<sup>1</sup> See Convention of 1889, p. 259.



## ARTICLE XII.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London, within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done, in duplicate, at Washington, the ninth day of August, Anno Domini one thousand eight hundred and forty-two.

DAN<sup>l</sup> WEBSTER

[SEAL.]

ASHBURTON

[SEAL.]

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1846.

TREATY ESTABLISHING BOUNDARY WEST OF THE ROCKY MOUNTAINS.

*Concluded June 15, 1846; ratification advised by the Senate June 18, 1846; ratified by the President June 19, 1846; ratifications exchanged July 17, 1846; proclaimed August 5, 1846. (Treaties and Conventions, 1889, p. 438.)*

## ARTICLES.

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| <p>I. Boundary established; free navigation.</p> <p>II. Navigation of Columbia River.</p> <p>III. Property rights.</p> | <p>IV. Property of Puget's Sound Agricultural Company.</p> <p>V. Ratification.</p> |
|--|--|

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable for the future welfare of both countries that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two Parties over the said Territory, have respectively named plenipotentiaries to treat and agree concerning the terms of such settlement, that is to say: the President of the United States of America, has, on his part, furnished with Full Powers, James Buchanan, Secretary of State of the United States, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, has, on her part, appointed the Right Honorable Richard Pakenham, a Member of Her Majesty's Most honorable Privy Council, and Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; who, after having communicated to each other their respective full Powers, found in good and due form, have agreed upon and concluded the following articles:

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Federal cases: *McKay v. Campbell*, 2 Sawy., 118; *Town v. DeHaven*, 5 Sawyer, 146.



## ARTICLE I.

From the point on the forty-ninth parallel of north latitude where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Fuca's Straits to the Pacific Ocean; Provided, however, that the navigation of the whole of the said channel and Straits, south of the forty ninth parallel of north latitude, remain free and open to both parties.

## ARTICLE II.

From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said River or Rivers, it being understood that all the usual portages along the line thus described shall in like manner be free and open. In navigating the said River or Rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States, it being however always understood that nothing in this article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers, not inconsistent with the present treaty.

## ARTICLE III.

In the future appropriation of the territory, south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

## ARTICLE IV.

The farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case however the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States' Government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said Government, at a proper valuation, to be agreed upon between the parties.<sup>1</sup>

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<sup>1</sup> See Treaty of July 1, 1863, p. 245.

## ARTICLE V.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at London, at the expiration of six months from the date hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the fifteenth day of June, in the year of our Lord one thousand eight hundred and forty-six.

[SEAL.] JAMES BUCHANAN  
[SEAL.] RICHARD PAKENHAM.

*Declaration approving and adopting the maps prepared by the Joint Commission of the Northwest Boundary for surveying and marking the Boundary between the British possessions and the United States along the 49th Parallel of North Latitude, under the first article of the Treaty of 15th June, 1846.*

The Undersigned Hamilton Fish, Secretary of State of the United States, and Edward Thornton, Esquire, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, duly authorized by their respective Governments, having met together:

The set of maps, seven in number, which have been prepared by the Commissioners appointed by the two Powers to survey and mark out the Boundary between their respective Territories under the first Article of the Treaty concluded between them at Washington on the 15<sup>th</sup> of June 1846, having been produced:

And it appearing that they do correctly indicate the said Boundary, from the point where the Boundary laid down in Treaties and Conventions prior to June 15<sup>th</sup>, 1846, terminates Westward on the 49<sup>th</sup> Parallel of North Latitude to the Eastern shore of the Gulf of Georgia, which Boundary has been defined by the Commissioners by marks upon the ground:

The Undersigned, without prejudice to the rights of their respective Governments as to the settlement and the determination of the remainder of the said Boundary, hereby declare that the said maps certified and authenticated under the signatures of Archibald Campbell, Esquire, the Commissioner of the United States, and of Colonel John Summerfield Hawkins, Her Britannic Majesty's Commissioner, and of which duplicate copies similarly certified and authenticated are in the possession of the Government of Her Britannic Majesty have been duly examined and considered, and, as well as the marks by which the Boundary to the Eastern shore of the Gulf of Georgia has been defined upon the ground, are approved, agreed to, and adopted by both Governments.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done at Washington the Twenty fourth day of February, in the year of our Lord, one thousand eight hundred and seventy.

HAMILTON FISH  
[SEAL.]  
EDWD. THORNTON  
[SEAL.]

1850.

CONVENTION AS TO SHIP-CANAL CONNECTING ATLANTIC AND  
PACIFIC OCEANS.

(CLAYTON-BULWER TREATY.)

*Concluded April 19, 1850; ratification advised by the Senate May 22, 1850; ratified by the President May 23, 1850; ratifications exchanged July 4, 1850; proclaimed July 5, 1850. (Treaties and Conventions, 1889, p. 440.)*

## ARTICLES.

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| <p>I. Declaration as to control of canal, occupation of territory, and commercial advantages.</p> <p>II. Neutrality of canal in case of war.</p> <p>III. Protection of construction.</p> <p>IV. Mutual influence to facilitate construction.</p> | <p>V. Guarantee of neutrality.</p> <p>VI. Cooperation of other States.</p> <p>VII. Mutual encouragement to speedy construction.</p> <p>VIII. Protection to other communications.</p> <p>IX. Ratification.</p> |
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The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a Convention their views and intentions with reference to any means of communication by Ship Canal, which may be constructed between the Atlantic and Pacific Oceans by the way of the River San Juan de Nicaragua and either or both of the Lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean,—The President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States; and Her Britannic Majesty on the Right Honourable Sir Henry Lytton Bulwer, a Member of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said Plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles.

## ARTICLE I.

The Governments of the United States and Great Britain hereby declare, that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said Ship Canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or People for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection or influence that either may possess with any State or Government through whose territory the said Canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or

subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

#### ARTICLE II.

Vessels of the United States or Great Britain, traversing the said Canal shall, in case of war between the contracting parties, be exempted from blockade, detention or capture, by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said Canal as may hereafter be found expedient to establish.

#### ARTICLE III.

In order to secure the construction of the said Canal, the contracting parties engage that, if any such Canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local Government or Governments through whose territory the same may pass, then the persons employed in making the said Canal and their property used, or to be used, for that object, shall be protected, from the commencement of the said Canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure or any violence whatsoever.

#### ARTICLE IV.

The contracting parties will use whatever influence they respectively exercise, with any State, States or Governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said Canal shall traverse, or which shall be near the waters applicable thereto; in order to induce such States, or Governments, to facilitate the construction of the said Canal by every means in their power: and furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free Ports,—one at each end of the said Canal.

#### ARTICLE V.

The contracting parties further engage that, when the said Canal shall have been completed they will protect it from interruption, seizure or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said Canal may forever be open and free, and the capital invested therein, secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said Canal, and guaranteeing its neutrality and security when completed, always understand that, this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments or either Government, should deem that the persons or company, undertaking or managing the same, adopt or establish such regulations concerning the traffic thereupon, as are contrary to the spirit and intention of this Convention,—either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon

passengers, vessels, goods, wares, merchandize or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee, without first giving six months notice to the other.

#### ARTICLE VI.

The contracting parties in this Convention engage to invite every State with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other; to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the Canal herein contemplated. And the contracting parties likewise agree that, each shall enter into Treaty stipulations with such of the Central American States, as they may deem advisable, for the purpose of more effectually carrying out the great design of this Convention, namely,—that of constructing and maintaining the said Canal as a ship-communication between the two Oceans, for the benefit of mankind, on equal terms to all, and of protecting the same; and they, also, agree that, the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such Treaty stipulations; and, should any differences arise as to right or property over the territory through which the said Canal shall pass,—between the States or Governments of Central America,—and such differences should, in any way, impede or obstruct the execution of the said Canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said Canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

#### ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said Canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons, or company, as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this Convention; and if any persons, or company, should already have, with any State through which the proposed Ship-Canal may pass, a contract for the construction of such a Canal as that specified in this Convention,—to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object,—and the said persons, or company, shall, moreover, have made preparations and expended time, money, and trouble on the faith of such contract, it is hereby agreed that such persons, or company, shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year, from the date of the exchange of the ratifications of this Convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood, that if, at the expiration of the aforesaid period, such persons, or company be not able to commence and carry out the proposed enterprize, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons, or company, that shall be prepared to commence *and proceed* with the construction of the Canal in question.

## ARTICLE VIII.

The Governments of the United States and Great Britain having not only desired in entering into this Convention, to accomplish a particular object, but, also, to establish a general principle, they hereby agree to extend their protection, by Treaty stipulations, to any other practicable communications, whether by Canal or rail-way, across the Isthmus which connects North and South America; and, especially to the interoceanic communications,—should the same prove to be practicable, whether by Canal or rail-way,—which are now proposed to be established by the way of Tehuantepec, or Panama. In granting, however, their joint protection to any such Canals or rail-ways, as are by this Article specified, it is always understood by the United States and Great Britain, that the parties constructing or owning the same, shall impose no other charges or conditions of traffic thereupon, than the aforesaid Governments shall approve of, as just and equitable; and, that the same Canals or rail-ways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall, also, be open on like terms to the citizens and subjects of every other State which is willing to grant thereto, such protection as the United States and Great Britain engage to afford.

## ARTICLE IX.

The ratifications of this Convention shall be exchanged at Washington, within six months from this day, or sooner, if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our Seals.

Done, at Washington, the nineteenth day of April, Anno Domini one thousand eight hundred and fifty.

JOHN M. CLAYTON	[SEAL.]
HENRY LYTON BULWER	[SEAL.]

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1853.

CLAIMS CONVENTION.<sup>1</sup>

*Concluded February 8, 1853; ratification advised by the Senate March 15, 1853; ratified by the President March 17, 1853; ratifications exchanged July 26, 1853; proclaimed August 20, 1853. (Treaties and Conventions, 1869, p. 445.)*

The commission authorized by this convention of seven articles met at London September 15, 1853, and adjourned January 15, 1855. The claims considered by the commission were all those arising since December 24, 1814, and remaining unsettled. The awards in favor of American claimants amounted to \$329,734.16, and to British claimants \$277,102.88.

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<sup>1</sup> See Convention of July 17, 1854, p. 237.



1854.

RECIPROCITY TREATY AS TO FISHERIES, DUTIES, AND NAVIGATION,  
BRITISH NORTH AMERICAN COLONIES.

*Concluded June 5, 1854; ratification advised by the Senate August 2, 1854; ratified by the President August 9, 1854; ratifications exchanged September 9, 1854; proclaimed September 11, 1854. (Treaties and Conventions, 1889, p. 448.)*

This treaty, consisting of seven articles, granted mutual liberty of sea fisheries on the northeastern coast of the United States and the British North American provinces; it provided for the reciprocal free admission of certain articles, the produce of the British colonies or of the United States, and the right to navigate S. Lawrence River and the canals connecting the Great Lakes with the Atlantic and Lake Michigan. It was terminated by notice from the United States March 17, 1866. The commission authorized by Article I to designate the places reserved from the common right of fishing met in August, 1855, and ceased to exist by the termination of the treaty. Nearly all the work had been accomplished when the commission dissolved.

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Federal case: Pine Lumber, 4 Blatch., 182.

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1854.

CLAIMS CONVENTION.

*Concluded July 17, 1854; ratification advised by the Senate July 21, 1854; ratified by the President July 24, 1854; ratifications exchanged August 18, 1854; proclaimed September 11, 1854. (Treaties and Conventions, 1889, p. 453.)*

By this convention the existence of the claims commission under the Convention of 1853 (p. 238) was extended four months.

1862.

TREATY FOR THE SUPPRESSION OF AFRICAN SLAVE TRADE.<sup>1</sup>

*Concluded April 7, 1862; ratification advised by the Senate April 24, 1862; ratified by the President April 25, 1862; ratifications exchanged May 20, 1862; proclaimed June 7, 1862. (Treaties and Conventions, 1889, p. 454.)*

ARTICLES.

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| I. Search of suspected slavers by war vessels. | VII. No compensation to vessels with slave equipments. |
| II. Authority and procedure.                   | VIII. Disposal of vessels condemned.                   |
| III. Indemnity for losses.                     | IX. Punishment of owners, crew, etc.                   |
| IV. Mixed courts established.                  | X. Release of negroes.                                 |
| V. Reparation for wrongful seizures.           | XI. Instructions and regulations.                      |
| VI. Evidences of slave trading.                | XII. Ratification; duration.                           |

The United States of America, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to

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<sup>1</sup> See Article VIII, p. 229; Convention of 1870, p. 247, and General Act of July 2, 1890, p.

render more effectual the means hitherto adopted for the suppression of the Slave Trade carried on upon the coast of Africa, have deemed it expedient to conclude a Treaty for that purpose, and have named as their Plenipotentiaries, that is to say:

The President of the United States of America, William H. Seward, Secretary of State;

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, The Right Honorable Richard Bickerton Pemell Lord Lyons, a Peer of Her United Kingdom, a Knight Grand Cross of Her Most Honorable Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full-powers, found in good and due form, have agreed upon and concluded the following Articles:

#### ARTICLE I.

The two High Contracting Parties mutually consent that those ships of their respective navies which shall be provided with special Instruction for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African Slave Trade, or of having been fitted out for that purpose; or of having, during the voyage on which they are met by the said cruizers, been engaged in the African Slave Trade, contrary to the provisions of this Treaty; and that such cruizers may detain, and send or carry away, such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this Treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the manner and according to the rules following:—

First. It shall never be exercised except by vessels of war, authorized expressly for that object, according to the stipulations of this Treaty.

Secondly. The right of search shall in no case be exercised with respect to a vessel of the navy of either of the two Powers, but shall be exercised only as regards merchant vessels; and it shall not be exercised by a vessel of war of either Contracting Party within the limits of a settlement or port, nor within the territorial waters of the other Party.

Thirdly. Whenever a merchant vessel is searched by a ship of war, the Commander of the said ship shall, in the act of so doing, exhibit to the Commander of the merchant-vessel the special Instructions by which he is duly authorized to search; and shall deliver to such Commander a certificate, signed by himself, stating his rank in the naval service of his country, and the name of the vessel he commands, and also declaring that the only object of the search is to ascertain whether the vessel is employed in the African Slave Trade, or is fitted up for the said Trade. When the search is made by an officer of the cruizer, who is not the Commander, such officer shall exhibit to the Captain of the merchant-vessel a copy of the before-mentioned special Instructions, signed by the Commander of the cruizer; and he shall in like manner deliver a certificate signed by himself, stating his rank in the

Navy, the name of the Commander by whose orders he proceeds to make the search, that of the cruizer in which he sails, and the object of the search, as above described. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on lawful objects, the officer shall enter in the log-book of the vessel that the search has been made in pursuance of the aforesaid special Instructions; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of Lieutenant in the navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

Fourthly. The reciprocal right of search and detention shall be exercised only within the distance of two hundred miles from the Coast of Africa, and to the southward of the thirty-second parallel of north latitude; and within thirty leagues from the Coast of the Island of Cuba.<sup>1</sup>

## ARTICLE II.

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed,—

First. That all the ships of the navies of the two nations which shall be hereafter employed to prevent the African Slave Trade shall be furnished by their respective Governments with a copy of the present Treaty, of the Instructions for cruizers annexed thereto (marked A), and of the regulations for the Mixed Courts of Justice annexed thereto, marked B, which Annexes respectively shall be considered as integral parts of the present Treaty.

Secondly. That each of the High Contracting Parties shall, from time to time, communicate to the other the names of the several ships furnished with such Instructions, the force of each, and the names of their several Commanders. The said Commanders shall hold the rank of Captain in the navy, or at least that of Lieutenant: it being nevertheless understood that the instructions originally issued to an officer holding the rank of Lieutenant of the navy, or other superior rank, shall, in case of his death or temporary absence, be sufficient to authorize the officer on whom the command of the vessel has devolved to make the search, although such officer may not hold the aforesaid rank in the service.

Thirdly. That if at any time the Commander of a cruizer of either of the two nations shall suspect that any merchant-vessel under the escort or convoy of any ship or ships of war of the other nation carries negroes on board, or has been engaged in the African Slave Trade, or is fitted out for the purpose thereof, the Commander of the cruizer shall communicate his suspicions to the Commander of the convoy, who, accompanied by the Commander of the cruizer, shall proceed to the search of the suspected vessel; and in case the suspicions appear well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to one of the places where the Mixed Courts of Justice are stationed, in order that it may there be adjudicated upon.

Fourthly. It is further mutually agreed, that the Commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

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<sup>1</sup> See additional article, p. 244.

## ARTICLE III.

As the two preceding articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by an arbitrary and illegal detention of their vessels; it being understood that this indemnity shall be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the search and detention of vessels specified in the First Article of this Treaty shall be effected only by ships which may form part of the two navies, respectively, and by such of those ships only as are provided with the special instructions annexed to the present Treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this Article treats shall be paid within the term of one year, reckoning from the day in which the Mixed Court of Justice pronounces its sentence.

## ARTICLE IV.

In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the First Article of this Treaty, there shall be established, as soon as may be practicable, three Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by their respective Governments. These Courts shall reside, one at Sierra Leone; one at the Cape of Good Hope; and one at New York.

But each of the two High Contracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the Court or Courts held within its own territories.

These Courts shall judge the causes submitted to them according to the provisions of the present Treaty, and according to the Regulations and instructions which are annexed to the present Treaty, and which are considered an integral part thereof; and there shall be no appeal from their decision.<sup>1</sup>

## ARTICLE V.

In case the commanding officer of any of the ships of the navies of either country, duly commissioned according to the provisions of the First Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may be proved to have committed.

## ARTICLE VI.

It is hereby further mutually agreed, that every American or British merchant-vessel which shall be searched by virtue of the present Treaty, may lawfully be detained, and sent or brought before the

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<sup>1</sup> Abolished, see Convention of 1870, p. 247.

Mixed Courts of Justice established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely:—

1<sup>st</sup> Hatches with open gratings, instead of the close hatches which are usual in merchant-vessels.

2<sup>nd</sup> Divisions or bulk-heads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3<sup>rd</sup> Spare plank, fitted for laying down as a second or slave deck.

4<sup>th</sup> Shackles, bolts, or handcuffs.

5<sup>th</sup> A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant-vessel.

6<sup>th</sup> An extraordinary number of water-casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks, or of other vessels, should be used only to hold palm oil, or for other purposes of lawful commerce.

7<sup>th</sup> A greater number of mess-tubs or kids than requisite for the use of the crew of the vessel as a merchant-vessel.

8<sup>th</sup> A boiler, or other cooking apparatus, of an unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of the vessel as a merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.

9<sup>th</sup> An extraordinary quantity of rice, of the flour of Brazil, of manioc or cassada, commonly called farinha, of maize, or of Indian corn, or of any other article of food whatever, beyond the probable wants of the crew; unless such rice, flour, farinha, maize, Indian corn, or other article of food, be entered on the manifest as part of the cargo for trade.

10<sup>th</sup> A quantity of mats or matting greater than is necessary for the use of the crew of the vessel as a merchant-vessel, unless such mats or matting be entered on the manifest as part of the cargo for trade.

If it be proved that any one or more of the articles above specified is or are on board, or have been on board during the voyage in which the vessel was captured, that fact shall be considered as *prima-facie* evidence that the vessel was employed in the African Slave Trade, and she shall in consequence be condemned and declared lawful prize; unless the master or owners shall furnish clear and incontrovertible evidence, proving to the satisfaction of the Mixed Court of Justice, that at the time of her detention or capture the vessel was employed in a lawful undertaking, and that such of the different articles above specified as were found on board at the time of detention, or as may have been embarked during the voyage on which she was engaged when captured, were indispensable for the lawful object of her voyage.

#### ARTICLE VII.

If any one of the articles specified in the preceding Article as grounds for condemnation should be found on board a merchant-vessel, or should be proved to have been on board of her during the voyage on which she was captured, no compensation for losses, damages, or expenses consequent upon the detention of such vessel shall in any case be granted either to the master, the owner, or any other person interested in the equipment or in the lading, even though she should not be condemned by the Mixed Court of Justice.



## ARTICLE VIII.

It is agreed between the two High Contracting Parties that in all cases in which a vessel shall be detained under this Treaty, by their respective cruizers, as having been engaged in the African Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by one of the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up; unless either of the two Governments should wish to purchase her for the use of its navy at a price to be fixed by a competent person chosen for that purpose by the Mixed Court of Justice; in which case the Government whose cruiser shall have detained the condemned vessel shall have the first option of purchase.

## ARTICLE IX.

The captain, master, pilot, and crew of any vessel condemned by the Mixed Courts of Justice shall be punished according to the laws of the country to which such vessel belongs, as shall also the owner or owners, and the persons interested in her equipment or cargo, unless they prove that they had no participation in the enterprize.

For this purpose the two High Contracting Parties agree that, in so far as it may not be attended with grievous expense and inconvenience, the master and crew of any vessel which may be condemned by a sentence of one of the Mixed Courts of Justice, as well as any other persons found on board the vessel, shall be sent and delivered up to the jurisdiction of the nation under whose flag the condemned vessel was sailing at the time of capture; and that the witnesses and proofs necessary to establish the guilt of such master, crew, or other persons, shall also be sent with them.

The same course shall be pursued with regard to subjects or citizens of either Contracting Party who may be found by a cruiser of the other on board a vessel of any third Power, or on board a vessel sailing without flag or papers, which may be condemned by any competent Court for having engaged in the African Slave Trade.

## ARTICLE X.

The negroes who are found on board of a vessel condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposal of the Government whose cruiser has made the capture; they shall be immediately set at liberty and shall remain free, the Government to whom they have been delivered guaranteeing their liberty.

## ARTICLE XI.

The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

(A.) Instructions for the ships of the navies of both nations destined to prevent the African Slave Trade.

(B.) Regulations for the Mixed Courts of Justice.



## ARTICLE XII.

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at London in six months from this date, or sooner if possible.

It shall continue and remain in full force for the term of ten years, from the day of exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years: And it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this Treaty shall altogether cease and determine.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have thereunto affixed the seal of their arms.

Done at Washington the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

[SEAL.]  
[SEAL.]

WILLIAM H. SEWARD.  
LYONS

Annexes A and B to this treaty were superseded by the Convention of 1870 and by Instructions annexed thereto, p. 247.

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 1863.

### ADDITIONAL ARTICLE TO THE TREATY FOR THE SUPPRESSION OF SLAVE TRADE, 1862.

*Concluded February 17, 1863; ratification advised by the Senate February 27, 1863; ratified by the President March 5, 1863; ratifications exchanged April 1, 1863; proclaimed April 22, 1863. (Treaties and Conventions, 1889, p. 466.)*

(This treaty extends the right of visit and detention to within 30 leagues of Madagascar, Puerto Rico, and Santo Domingo.)

Whereas by the first Article<sup>1</sup> of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African slave trade, signed at Washington on the 7<sup>th</sup> of April, 1862, it was stipulated and agreed that those ships of the respective navies of the two High Contracting Parties which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African slave trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the African slave trade contrary to the provisions of the said treaty; and that such cruisers may detain and send or carry away such vessels in order that they may be brought to trial in the manner hereinafter agreed upon: And whereas it was by the said Article further stipulated and agreed, that the reciprocal right of search and detention should be exercised only within the distance of two hundred miles from the Coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty

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<sup>1</sup> See Article I, p. 239.

leagues from the coast of the Island of Cuba: and whereas the two High Contracting Parties are desirous of rendering the said treaty still more efficacious for its purpose; the Plenipotentiaries who signed the said treaty have, in virtue of their full powers, agreed that the reciprocal right of visit and detention, as defined in the Article aforesaid, may be exercised also within thirty leagues of the Island of Madagascar, within thirty leagues of the Island of Puerto Rico, and within thirty leagues of the Island of San Domingo.

The present Additional Article shall have the same force and validity as if it had been inserted word for word in the treaty concluded between the two High Contracting Parties on the 7<sup>th</sup> of April, 1862, and shall have the same duration as that treaty. It shall be ratified, and the ratifications shall be exchanged at London in six months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at Washington the 17th day of February, in the year of our Lord one thousand eight hundred and sixty-three.

[SEAL.]  
[SEAL.]

WILLIAM H. SEWARD  
LYONS.

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1863.

#### CLAIMS TREATY.

*Concluded July 1, 1863; ratification advised by the Senate January 18, 1864; ratified by the President March 2, 1864; ratifications exchanged March 3, 1864; proclaimed March 5, 1864. (Treaties and Conventions, 1889, p. 467.)*

By this treaty the claims of the Hudson's Bay Company and the Puget's Sound Agricultural Company against the United States were referred to a commission. The commission met in Washington January 7, 1865, and on September 10, 1869, rendered their award, of \$450,000 to the Hudson's Bay Company, and \$200,000 to the Puget's Sound Agricultural Company.

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1870.

#### NATURALIZATION CONVENTION.

*Concluded May 13, 1870; ratification advised by the Senate July 8, 1870; ratified by the President July 19, 1870; ratifications exchanged August 10, 1870; proclaimed September 16, 1870. (Treaties and Conventions, 1889, p. 470.)*

#### ARTICLES.

- |  |  |
|--|--|
| I. Naturalization recognized.                | III. Resumption of original citizenship. |
| II. Renunciation of previous naturalization. | IV. Ratification.                        |

The President of the United States of America, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to regulate the citizenship of citizens of the United

and Ireland, Edward Thornton, Esquire, Companion of the Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

#### ARTICLE I.

Everything contained in the Treaty concluded at Washington on the 7<sup>th</sup> of April, 1862, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African Slave Trade, and in the Annexes A and B thereto, which relates to the establishment of three Mixed Courts of Justice at Sierra Leone, at the Cape of Good Hope, and at New York, to hear and decide all cases of capture of vessels which may be brought before them as having been engaged in the African Slave Trade, or as having been fitted out for the purposes thereof, as well as to the composition, jurisdiction, and mode of procedure of such Courts, shall cease and determine as regards the said Mixed Courts, from and after the exchange of the ratifications of the present Additional Convention, except in so far as regards any act or proceeding done or taken in virtue thereof, before this Additional Convention shall be officially communicated to the said Mixed Courts of Justice. The said Courts shall nevertheless have the power, and it shall be their duty, to proceed with all practicable dispatch to the final determination of all causes and proceedings which may be pending and undetermined in them, or either of them, at the time of receiving notice of the ratification of this Convention.

#### ARTICLE II.

The jurisdiction heretofore exercised by the said Mixed Courts in pursuance of the provisions of the said Treaty shall, after the exchange of the ratifications of the present Additional Convention, be exercised by the Courts of one or the other of the High Contracting Parties according to their respective modes of procedure in matters of maritime prize; and all the provisions of the said Treaty with regard to the sending or bringing in of captured vessels for adjudication before the said Mixed Courts, and with regard to the adjudication of such vessels by the said Courts, and the rules of evidence to be applied, and the proceedings consequent on such adjudication, shall apply, *mutatis mutandis*, to the Courts of the High Contracting Parties. It is, however, provided that there may be an appeal from the decision of any Court of the High Contracting Parties, in the same manner as by the law of the country where the Court sits is allowed in other cases of maritime prize.

#### ARTICLE III.

It is agreed that in case of an American merchant-vessel searched by a British cruiser being detained as having been engaged in the African Slave Trade, or as having been fitted out for the purposes thereof, she shall be sent to New York or Key West, whichever shall be most accessible, for adjudication, or shall be handed over to an United States' cruiser, if one should be available in the neighborhood

of the capture; and that in the corresponding case of a British merchant-vessel searched by an United States cruiser being detained as having been engaged in the African Slave Trade, or as having been fitted out for the purposes thereof, she shall be sent for adjudication to the nearest or most accessible British Colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

All the witnesses and proofs necessary to establish the guilt of the master, crew, or other persons found on board of any such vessel, shall be sent and handed over with the vessel itself, in order to be produced to the Court before which such vessel or persons may be brought for trial.

All negroes or others (necessary witnesses excepted) who may be on board either an American or a British vessel for the purpose of being consigned to slavery, shall be handed over to the nearest British authority. They shall be immediately set at liberty, and shall remain free, Her Britannic Majesty guaranteeing their liberty. With regard to such of those negroes or others as may be sent in with the detained vessel as necessary witnesses, the Government to which they may have been delivered shall set them at liberty as soon as their testimony shall no longer be required, and shall guarantee their liberty.

Where a detained vessel is handed over to a cruiser of her own nation, an officer in charge, and other necessary witnesses and proofs, shall accompany the vessel.

#### ARTICLE IV.

It is mutually agreed that the Instructions for the ships of the navies of both nations destined to prevent the African Slave Trade, which are annexed to this Convention, shall form an integral part thereof, and shall have the same force and effect as if they had been annexed to the Treaty of the 7<sup>th</sup> of April, 1862, in lieu of the instructions forming Annex A to that Treaty.

#### ARTICLE V.

In all other respects the stipulations of the Treaty of April 7, 1862, shall remain in full force and effect until terminated by notice given by one of the High Contracting Parties to the other, in the manner prescribed by Article XII thereof.

#### ARTICLE VI.

The High Contracting Parties engage to communicate the present convention to the Mixed Courts of Justice, and to the officers in command of their respective cruisers, and to give them the requisite instructions in pursuance thereof, with the least possible delay.

#### ARTICLE VII.

The present Additional Convention shall have the same duration as the Treaty of the 7<sup>th</sup> of April, 1862, and the additional Article thereto of the 17<sup>th</sup> of February, 1863. It shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the third day of June, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.]  
[SEAL.]

HAMILTON FISH.  
EDWD. THORNTON.

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ANNEX TO THE ADDITIONAL CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN, FOR THE SUPPRESSION OF THE AFRICAN SLAVE TRADE, SIGNED AT WASHINGTON ON THE THIRD DAY OF JUNE, 1870.

*Instructions for the Ships of the United States' and British Navies employed to prevent the African Slave Trade.*

ARTICLE I.

The Commander of any ship belonging to the United States' or British Navy, which shall be furnished with these Instructions, shall have a right to search and detain any United States' or British merchant-vessels which shall be actually engaged, or suspected to be engaged, in the African Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in such Trade during the voyage in which she may be met with by such ship of the United States' or British navy; and such Commander shall thereupon bring or send such merchant vessel (save in the case provided for in Article V of these Instructions) as soon as possible for judgment, in the manner provided by Article III of the Additional Convention of this date, that is to say:—

In the case of an American vessel searched and detained as aforesaid by a British cruiser, she shall be sent to New York or Key West, whichever shall be most accessible, or be handed over to an United States' cruiser, if one should be available in the neighborhood of the capture.

In the case of a British vessel searched and detained as aforesaid by an United States' cruiser, she shall be sent to the nearest or most accessible British Colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

ARTICLE II.

Whenever a ship of either of the two navies, duly authorized as aforesaid, shall meet a merchant-vessel liable to be searched under the provisions of the Treaty of the 7<sup>th</sup> of April, 1862, and of this Additional Convention, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of Lieutenant in the Navy, or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III.

The Commander of any ship of the two Navies, duly authorized as aforesaid, who may detain any merchant-vessel in pursuance of the tenor of the present Instructions, shall leave on board the vessel so detained the Master, the Mate, or Boatswain, two or three at least of the crew, and all the cargo. The captor shall, at the time of detention, draw up in writing a declaration, which shall exhibit the state in which he found the detained vessel; such declaration shall be signed by himself, and shall be given or sent in with the detained vessel, to be produced as evidence in the proper Court. He shall deliver to the Master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of negroes or other persons destined for slavery, who may have been found on board at the moment of detention.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes or others destined for slavery who may be found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.



The officer in charge of the detained vessel shall, at the time of delivering the vessel's papers and the certificate of the Commander into Court, deliver also a certificate, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, and her cargo, between the time of her detention and the time of delivering in such paper.

Where a detained vessel is handed over to a cruiser of her own nation, an officer in charge and other necessary witnesses and proofs shall accompany the vessel.

ARTICLE IV.

All the negroes or others (necessary witnesses excepted), who may be on board either an American or a British detained vessel, for the purpose of being consigned to slavery, shall be handed over by the Commander of the capturing ship to the nearest British authority.

ARTICLE V.

In case any merchant-vessel detained in pursuance of the present Instructions should prove to be unseaworthy, or in such a condition as not to be taken in for adjudication as directed by the additional Convention of this date, the Commander of the detaining cruiser may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed by him in duplicate at the time, and shall be received as *prima facie* evidence of the facts therein stated, subject to rebuttal by counter proof.

In case of the abandonment or destruction of a detained vessel, the master and crew, together with the papers found on board, and other necessary proofs and witnesses, and one of the certificates mentioned in the preceding paragraph of this Article, shall be sent and delivered at the earliest possible moment, to the proper Court before which the vessel would otherwise have been sent. Upon the production of the said certificate, the Court may proceed to adjudicate upon the detention of the vessel in the same manner as if the vessel had been sent in.

The negroes or others intended to be consigned to slavery shall be handed over to the nearest British authority.

The undersigned Plenipotentiaries have agreed, in conformity with the IV<sup>th</sup> Article of the Additional Convention, signed by them on this day, that the present Instructions shall be annexed to the said Convention, and be considered an integral part thereof.

Done at Washington, the third day of June, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.]  
[SEAL.]

HAMILTON FISH.  
EDWD. THORNTON.

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1871.

CONVENTION AS TO RENUNCIATION OF NATURALIZATION.

*Concluded February 23, 1871; ratification advised by the Senate March 22, 1871; ratified by the President March 24, 1871; ratifications exchanged May 4, 1871; proclaimed May 5, 1871. (Treaties and Conventions, 1889, p. 476.)*

The Naturalization Convention of 1870 (p. 245) provided for the renunciation of citizenship acquired prior to that time in either country, and agreed that the manner of making such renunciation should be subsequently determined upon. This convention designated the time and method of making such renunciation of acquired citizenship.



1871.

## TREATY FOR THE SETTLEMENT OF ALL CAUSES OF DIFFERENCE.

(TREATY OF WASHINGTON.)

*Concluded May 8, 1871; ratification advised by the Senate May 24, 1871; ratified by the President May 25, 1871; ratifications exchanged June 17, 1871; proclaimed July 4, 1871. (Treaties and Conventions, 1889, p. 478.)*

(Only the articles now in force are printed.)

## ARTICLES.

I to XI, inclusive, relate to the Tribunal for arbitration of the Alabama Claims, and terminated by the rendering of the award at Geneva, September 14, 1872, of \$15,500,000 to the United States.

XII to XVII, inclusive, provided for the reference of civil war claims against both Governments to a commission which met at Washington, September 26, 1871, and held its final meeting September 25, 1873, awarding \$1,929,819 gold to Great Britain. The claims of United States citizens against Great Britain were all disallowed.

XVIII to XXV, relating to the Fisheries, were terminated July 1, 1885, upon notice given in pursuance of a joint resolution of March 3, 1883 (U. S. Stats., Vol. 22, p. 641). Articles XXII to XXV, inclusive, provided for the appointment of a commission to ascertain the amount of compensation to be awarded Great Britain for fishery privileges granted under Article XVIII. The commission met at Halifax, Nova Scotia, June 15, 1877, and November 23, 1877, awarded to Great Britain \$5,500,000 in gold.

XXVI. Navigation of St. Lawrence, Yukon, Porcupine, and Stikine rivers.

XXVII. Reciprocal use of canals.

XXVIII. Navigation of Lake Michigan.

XXIX. Transshipment of merchandise.

XXX. Reciprocal transportation in vessels. This article was terminated July 1, 1885, upon notice given by the United States.

XXXI. Timber on river St. John.

XXXII and XXXIII relate to the fisheries and were terminated July 1, 1885.

XXXIV to XLII provide for the arbitration by the Emperor of Germany of the northwestern water boundary. (See p. 255.)

XLIII. Ratification.

The United States of America and Her Britannic Majesty, being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective Plenipotentiaries, that is to say: The President of the United States, has appointed on the part of the United States as Commissioners in a Joint High Commission and Plenipotentiaries, Hamilton Fish, Secretary of State; Robert Cumming Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain; Samuel Nelson, an Associate Justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry Williams, of Oregon; and Her Britannic Majesty on her part has appointed as her High Commissioners, and Plenipotentiaries, the Right Honourable George Frederick Samuel, Earl de Grey and Earl

of Ripon, Viscount Goderich, Baron Grantham, a Baronet, a Peer of the United Kingdom, Lord President of Her Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, etc etc; the Right Honourable Sir Stafford Henry Northcote, Baronet, one of Her Majesty's Most Honourable Privy Council, a Member of Parliament, a Companion of the Most Honourable Order of the Bath, etc etc; Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; Sir John Alexander Macdonald, Knight Commander of the Most Honourable Order of the Bath, a Member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney General of Her Majesty's Dominion of Canada; and Mountague Bernard, Esquire, Chichele Professor of International Law in the University of Oxford.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

#### ARTICLES I TO XI.

[These articles relate to Alabama claims arbitration.]

#### ARTICLES XII TO XVII.

[These articles relate to civil war claims commission.]

#### ARTICLES XVIII TO XXV.

[These articles relate to fisheries.]

#### ARTICLE XXVI.

The navigation of the river St Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the rivers Yukon, Porcupine, and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty, and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

#### ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the

United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the High Contracting Parties, on terms of equality with the inhabitants of the United States.

#### ARTICLE XXVIII.

The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon not inconsistent with such privilege of free navigation.

#### ARTICLE XXIX.

It is agreed that for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may from time to time be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such Possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that for the like period goods, wares, or merchandise arriving at any of the ports of Her Britannic Majesty's Possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said Possessions, under such rules and regulations, and conditions for the protection of the revenue, as the Governments of the said Possessions may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said Possessions to other places in the United States, or for export from ports in the said Possessions.

#### ARTICLE XXX.

[This article relating to reciprocal transportation in vessels terminated July 1, 1885.]

#### ARTICLE XXXI.

The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its

tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick. And, in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this Treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this Treaty for such period as such export or other duty may be levied.

## ARTICLES XXXII AND XXXIII.

[These articles relate to fisheries and terminated July 1, 1885.]

## ARTICLES XXXIV TO XLII.

[These articles relate to arbitration by the Emperor of Germany of northwestern water boundary, whose award follows this treaty.]

## ARTICLE XLIII.

The present treaty shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at Washington the Eighth day of May, in the year of our Lord one thousand eight hundred and seventy one.

[SEAL.]	HAMILTON FISH
[SEAL.]	ROBT. C. SCHENCK
[SEAL.]	SAMUEL NELSON
[SEAL.]	EBENEZER ROCKWOOD HOAR.
[SEAL.]	GEO. H. WILLIAMS
[SEAL.]	DE GREY & RJPON
[SEAL.]	STAFFORD H. NORTHCOTE
[SEAL.]	EDW <sup>D</sup> . THORNTON.
[SEAL.]	JOHN A MACDONALD
[SEAL.]	MOUNTAGUE BERNARD

AWARD OF THE EMPEROR OF GERMANY UNDER THE XXXIV<sup>TH</sup> ARTICLE OF THE TREATY OF MAY 8, 1871, GIVING THE ISLAND OF SAN JUAN TO THE UNITED STATES.

[Translation.]

We, William, by the grace of God, German Emperor, King of Prussia, &c., &c., &c.

After examination of the Treaty concluded at Washington on the 6th<sup>1</sup> of May, 1871, between the Governments of Her Britannic Majesty and of the United States of America, according to which the said Governments have submitted to Our Arbitrament the question at issue between them, whether the boundary-line which, according to the Treaty of Washington of June 15, 1846, after being carried westward along the forty-ninth parallel of northern latitude to the middle of

<sup>1</sup> So in the original. The date of the treaty is, however, May 8.

the channel which separates the continent from Vancouver's Island is thence to be drawn southerly through the middle of the said channel and of the Fuca Straits to the Pacific Ocean, should be drawn through the Rosario Channel as the Government of Her Britannic Majesty claims, or through the Haro Channel as the Government of the United States claims; to the end that We may finally and without appeal decide which of these claims is most in accordance with the true interpretation of the treaty of June 15, 1846.

After hearing the report made to Us by the experts and jurists summoned by Us upon the contents of the interchanged memorials and their appendices—

Have decreed the following award:

Most in accordance with the true interpretations of the Treaty concluded on the 15th of June, 1846, between the Governments of Her Britannic Majesty and of the United States of America, is the claim of the Government of the United States that the boundary-line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel.

Authenticated by Our Autographic Signature and the impression of the imperial great seal.

Given at Berlin, October the 21st, 1872.

[SEAL.]

WILLIAM.

#### PROTOCOL OF A CONFERENCE AT WASHINGTON, MARCH 10, 1873, RESPECTING THE NORTHWEST WATER-BOUNDARY.

Whereas it was provided by the First Article of the Treaty between the United States of America and Great Britain, signed at Washington on the 15<sup>th</sup> of June, 1846, as follows:

##### “ARTICLE I.”

“From the point of the 49<sup>th</sup> Parallel of North Latitude, where the Boundary laid down in existing Treaties and Conventions between the United States and Great Britain terminates, the line of Boundary between the territories of the United States and those of Her Britannic Majesty shall be continued westward along the said 49<sup>th</sup> parallel of North Latitude, to the middle of the channel which separates the continent from Vancouver's Island; and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean; provided, however, that the navigation of the whole of the said channel and straits, south of the 49<sup>th</sup> parallel of North Latitude, remain free and open to both parties.”

And whereas it was provided by the XXXIV<sup>th</sup> Article of the Treaty between the United States of America and Great Britain, signed at Washington on the 8<sup>th</sup> of May, 1871, as follows:

##### “ARTICLE XXXIV.”

“Whereas it was stipulated by Article I of the Treaty concluded at Washington, on the 15<sup>th</sup> of June 1846, between the United States and Her Britannic Majesty, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point on the 49<sup>th</sup> parallel of North Latitude up to which it had already been ascertained, should be continued westward along the said parallel of North Latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca Straits to the Pacific Ocean—and whereas the Commissioners appointed by the two High Contracting Parties to determine that portion of the Boundary which runs southerly through the middle of the channel aforesaid were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should under the terms of the Treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of the United States, and of the Government of Her Britannic Majesty, shall be submitted to the arbitration and award of His Majesty, the Emperor of Germany, who having regard to the above mentioned Article of the said Treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the treaty of June 15<sup>th</sup> 1846.”

And whereas, His Majesty, the Emperor of Germany has, by his award dated the 21<sup>st</sup> of October 1872, decided that “Mit der richtigen Auslegung des zwischen



“den Regierungen Ihrer Britischen Majestät und der Vereinigten Staaten von Amerika geschlossenen Vertrages de dato Washington den 15 Juni 1846; steht der Auspruch der Regierung der Vereinigten Staaten am meisten im Einklange, dass die Grenzlinie zwischen den Gebieten Ihrer Britischen Majestät und den Vereinigten Staaten durch den Haro-Kanal gezogen wurde.”

The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and Rear Admiral James Charles Prevost, Commissioner of Her Britannic Majesty in respect of the Boundary aforesaid, duly authorized by their respective Governments to trace out and mark on charts prepared for that purpose, the line of Boundary in conformity with the award of His Majesty, the Emperor of Germany, and to complete the determination of so much of the Boundary line between the territory of the United States and the possessions of Great Britain, as was left uncompleted by the commissioners heretofore appointed to carry into effect the First Article of the Treaty of 15<sup>th</sup> June 1846, have met together at Washington, and have traced out and marked the said Boundary line on four charts, severally entitled—“North America, West Coast, Strait of Juan de Fuca and the channels between the Continent and Vancouver Id, showing the Boundary line between British and American Possessions, from the Admiralty surveys by Captains H. Kellett R. N. 1847, and G. H. Richards R. N. 1858–1862” and having on examination agreed that the lines so traced out and marked on the respective charts are identical, they have severally signed the said charts on behalf of their respective Governments, two copies thereof to be retained by the Government of the United States, and two copies thereof to be retained by the Government of Her Britannic Majesty, to serve with the “definition of the Boundary line,” attached hereto, showing the general bearings of the line of Boundary as laid down on the charts, as a perpetual record of agreement between the two Governments in the matter of the line of Boundary between their respective dominions under the First Article of the Treaty concluded at Washington on the 15<sup>th</sup> of June 1846.

In witness whereof, the undersigned have signed this Protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this tenth day of March in the year 1873.

HAMILTON FISH	[SEAL.]
EDW <sup>d</sup> . THORNTON.	[SEAL.]
JAMES C PREVOST.	[SEAL.]

#### DEFINITION OF THE BOUNDARY LINE.

The Chart upon which the Boundary Line between the British and United States Possessions is laid down, is entitled “North America, West Coast, Strait of Juan de Fuca and the channels between the Continent and Vancouver Id, showing the Boundary line between British and American Possessions, from the Admiralty surveys by Captains H. Kellett, R. N. 1847, and G. H. Richards, R. N. 1858–1862.”

The Boundary line thus laid down on the chart is a Black line shaded Red on the side of the British possessions, and Blue on the side of the possessions of the United States.

The Boundary line thus defined commences at the point on the 49<sup>th</sup> Parallel of North Latitude on the West side of Point Roberts which is marked by a stone monument, and the line is continued along the said Parallel to the middle of the channel which separates the continent from Vancouver Island, that is to say, to a point in Longitude 123° 19' 15" W, as shown in the said chart.

It then proceeds in a direction about S 50° E (true) for about fifteen geographical miles, when it curves to the Southward passing equidistant between the West point of Patos Island and the East point of Saturna Island until the point midway on a line drawn between Turnpoint on Stewart Island and Fairfax point on Moresby Island bears S. 68° W. (true) distant ten miles then on a course south 68° W (true) ten miles to the said point midway between Turnpoint on Stewart Island and Fairfax point on Moresby Island, thence on a course about South 12° 30' East (true) for about eight and three-quarter miles to a point due east one mile from the northernmost Kelp Reef which Reef on the said chart is laid down as in Latitude 48° 33' North and in longitude 123° 15' West, then its direction continues about S 20° 15' East, (true) six and one eighth miles to a point midway



between Sea Bird Point on Discovery Island and Pile Point on San Juan Island thence in a straight line S 45° E. (true) until it touches the North end of the middle Bank in between 13 and 18 fathoms of water; from this point the line takes a general S 28° 30' W direction (true) for about ten miles when it reaches the center of the fairway of the Strait of Juan de Fuca, which by the chart is in the Latitude of 48° 17' north and longitude 123° 14' 40" W.

Thence the line runs in a direction S, 73° W (true) for twelve miles to a point on a straight line drawn from the Light House on Race Island to Angelos Point midway between the same.

Thence the line runs through the center of the Strait of Juan de Fuca *first* in a direction N. 80° 30' W, about 5½ miles to a point equidistant on a straight line between Beechey Head on Vancouver Island and Tongue point on the shore of Washington Territory, *second* in a direction N. 76° W, about 18½ miles to a point equidistant in a straight line between Sherringham Point on Vancouver Island and Pillow Point on the shore of Washington Territory, *third*, in a direction N. 68° W, about 30½ miles to the Pacific Ocean at a point equidistant between Bonilla point on Vancouver Island and Tatooch Island Light House on the American shore—the line between the points being nearly due North and South (true.)

The courses and distances as given in the foregoing description are not assumed to be perfectly accurate—but are as nearly so as is supposed to be necessary to a practical definition of the line laid down on the chart and intended to be the Boundary line.

HAMILTON FISH  
EDW<sup>d</sup>. THORNTON  
JAMES C PREVOST.

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### 1873.

#### ADDITIONAL ARTICLE TO TREATY OF MAY 8, 1871, RESPECTING MEETING PLACES FOR THE COMMISSION UNDER ARTICLE XII.

*Concluded January 18, 1873; ratification advised by the Senate February 14, 1873; ratified by the President February 28, 1873; ratifications exchanged April 10, 1873; proclaimed April 15, 1873. (Treaties and Conventions, 1889, p. 494.)*

This article permitted the commission to hold its meetings at other places than Washington.

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### 1877.

#### DECLARATION AFFORDING RECIPROCAL PROTECTION TO TRADE-MARKS.

*Concluded October 24, 1877; ratification advised by the Senate May 22, 1878; ratified by the President May 25, 1878; no exchange of ratifications made; proclaimed July 17, 1878. (Treaties and Conventions, 1889, p. 501.)*

The Government of the United States of America, and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, with a view to the reciprocal protection of the marks of manufacture and trade in the two countries, have agreed as follows:

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as belong to native subjects or citizens, or as are now granted or may hereafter be granted to the subjects and citizens of the most favored nation, in everything relating to property in trade marks and trade labels.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

In witness whereof the undersigned have signed the present declaration, and have affixed thereto the seal of their arms.

Done at London, the twenty fourth day of October 1877.

[SEAL.]  
[SEAL.]

EDWARDS PIERREPONT  
DERBY

1889.

### EXTRADITION CONVENTION.

*Concluded July 12, 1889; ratification advised by the Senate with amendments February 18, 1890; ratified by the President February 25, 1890; ratifications exchanged March 11, 1890; proclaimed March 25, 1890. (U. S. Stats., Vol. 26, p. 1508.)*

#### ARTICLES.

- |   |                             |
|---|-----------------------------|
| I. Additional extraditable crimes.      | VI. Procedure.              |
| II. Political crimes.                   | VII. Escaped convicts.      |
| III. Prior offenses.                    | VIII. No prior effect.      |
| IV. Delivery of articles seized.        | IX. Ratification; duration. |
| V. Crimes committed in other countries. |                             |

Whereas by the Tenth Article of the Treaty concluded between the United States of America and Her Britannic Majesty on the ninth day of August, 1842, provision is made for the extradition of persons charged with certain crimes;<sup>1</sup>

And Whereas it is now desired by the High Contracting Parties that the provisions of the said Article should embrace certain crimes not therein specified, and should extend to fugitives convicted of the crimes specified in the said Article and in this Convention;

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

And Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honorable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

#### ARTICLE I.

The provisions of the said Tenth Article are hereby made applicable to the following additional crimes:

1. Manslaughter, when voluntary.

<sup>1</sup>See Article X, p.230.

Federal cases: *Bryant v. U. S.*, 167 U. S., 104; *In re Breen*, 75 Fed. Rep., 458; *In re Bryant* 80 Fed. Rep., 282.

2. Counterfeiting or altering money; uttering or bringing into circulation counterfeit or altered money.

3. Embezzlement; larceny; receiving any money, valuable security, or other property, knowing the same to have been embezzled, stolen, or fraudulently obtained.

4. Fraud by a bailee, banker, agent, factor, trustee, or director or member or officer of any company, made criminal by the laws of both countries.

5. Perjury, or subornation of perjury.

6. Rape; abduction; child-stealing; kidnapping.

7. Burglary; house-breaking or shop-breaking.

8. Piracy by the law of nations.

9. Revolt, or conspiracy to revolt by two or more persons on board a ship on the high seas, against the authority of the master; wrongfully sinking or destroying a vessel at sea, or attempting to do so; assaults on board a ship on the high seas, with intent to do grievous bodily harm.

10. Crimes and offenses against the laws of both countries for the suppression of slavery and slave-trading.

Extradition is also to take place for participation in any of the crimes mentioned in this Convention or in the aforesaid Tenth Article, provided such participation be punishable by the laws of both countries.

## ARTICLE II.

A fugitive criminal shall not be surrendered, if the offense in respect of which his surrender is demanded be one of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the High Contracting Parties to the other shall be triable or tried, or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the government in whose jurisdiction the fugitive shall be at the time shall be final.

## ARTICLE III.

No person surrendered by or to either of the High Contracting Parties shall be triable or be tried for any crime or offense, committed prior to his extradition, other than the offense for which he was surrendered, until he shall have had an opportunity of returning to the country from which he was surrendered.

## ARTICLE IV.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offence charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable, and if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected.

## ARTICLE V.

If the individual claimed by one of the two High Contracting Parties, in pursuance of the present Convention, should also be claimed by one or several other Powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to that state whose demand is first received.

The provisions of this Article, and also of Articles II to IV, inclusive, of the present Convention, shall apply to surrender for offenses specified in the aforesaid Tenth Article, as well as to surrender for offenses specified in this Convention.

## ARTICLE VI.

The extradition of fugitives under the provisions of this Convention and of the said Tenth Article shall be carried out in the United States and in Her Majesty's dominions, respectively, in conformity with the laws regulating extradition for the time being in force in the surrendering State.

## ARTICLE VII.

The provisions of the said Tenth Article and of this Convention shall apply to persons convicted of the crimes therein respectively named and specified, whose sentence therefor shall not have been executed.

In case of a fugitive criminal alleged to have been convicted of the crime for which his surrender is asked, a copy of the record of the conviction and of the sentence of the court before which such conviction took place, duly authenticated, shall be produced, together with the evidence proving that the prisoner is the person to whom such sentence refers.

## ARTICLE VIII.

The present Convention shall not apply to any of the crimes herein specified which shall have been committed, or to any conviction which shall have been pronounced, prior to the date at which the Convention shall come into force.

## ARTICLE IX.

This Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

It shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties, and shall continue in force until one or the other of the High Contracting Parties shall signify its wish to terminate it, and no longer.

In witness whereof, the undersigned have signed the same and have affixed thereto their seals.

Done in duplicate at the city of Washington, this twelfth day of July, 1889.

[SEAL.]  
[SEAL.]

JAMES G. BLAINE.  
JULIAN PAUNCEFOTE.

1892.

## CONVENTION RELATING TO FUR-SEALS IN BEHRING SEA.

*Concluded February 29, 1892; ratification advised by the Senate March 29, 1892; ratified by the President April 22, 1892; ratifications exchanged May 7, 1892; proclaimed May 9, 1892. (U. S. Stats., Vol. 27, p. 947.)*

By this convention of fifteen articles the questions "concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters," were submitted to a tribunal of seven arbitrators, appointed, two by the President of the United States, two by Her Britannic Majesty, one by the President of the French Republic, one by the King of Italy, and one by the King of Sweden and Norway. It was provided by Article VI that

"In deciding the matters submitted to the Arbitrators, it is agreed that the following five points shall be submitted to them, in order that their award shall embrace a distinct decision upon each of said five points, to wit:

1. What exclusive jurisdiction in the sea known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Behring's Sea included in the phrase "Pacific Ocean", as used in the Treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring's Sea were held and exclusively exercised by Russia after said Treaty?

4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring's Sea east of the water boundary, in the Treaty between the United States and Russia of the 30<sup>th</sup> March, 1867, pass unimpaired to the United States under that Treaty?

5. Has the United States any right, and if so, what right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary three-mile limit?"

The tribunal met at Paris, February 23, 1893, and delivered their decision August 15, 1893. The decision having been against the contention of the United States, a convention was concluded February 8, 1896 (see p. 267), for the creation of a commission to assess the damages to be paid to the British claimants.

1892.

CONVENTION FOR THE RENEWAL OF THE EXISTING MODUS VIVENDI  
IN BEHRING SEA.

*Concluded April 18, 1892; ratification advised by the Senate April 19, 1892; ratified by the President April 22, 1892; ratifications exchanged May 7, 1892; proclaimed May 9, 1892. (U. S. Stats., Vol. 27, p. 952.)*

By this convention of seven articles both Governments prohibited the killing of fur seals by their respective citizens and subjects in the eastern part of Behring Sea during the pendency of the fur-seal arbitration.

1892.

TREATY FOR THE RECOVERY OF DESERTERS FROM MERCHANT  
VESSELS.

*Concluded June 3, 1892; ratification advised by the Senate June 30, 1892; ratified by the President July 14, 1892; ratifications exchanged August 1, 1892; proclaimed August 1, 1892. (U. S. Stats., Vol. 27, p. 961.)*

## ARTICLES.

I. Arrests of deserting seamen.  
II. Ratification.

III. Duration.

Whereas the Governments of the United States of America and of Great Britain are desirous to make provision for the apprehension, recovery and restoration of persons who may desert from merchant vessels of their respective countries while in the ports of the other country, and to conclude a treaty for the above purpose, the High Contracting Parties have accordingly appointed as their Plenipotentiaries to conclude the said treaty, that is to say:

The President of the United States of America, James G. Blaine, Secretary of State of the United States; and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, G. C. M. G., K. C. B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers found in due and good form, have agreed upon the following articles.

## ARTICLE I.

The Consuls General, Consuls, Vice-Consuls and Consular Agents of either of the High Contracting Parties, residing in the dominions, possessions or colonies of the other, shall have power to require from the proper authorities the assistance provided by law for the apprehension, recovery and restoration of seamen who may desert from any ship belonging to a citizen or subject of their respective countries, while in the ports of the other country. If, however, any such



deserter shall have committed any crime or offence in the country where he is found, his surrender or restoration may be delayed until the proper tribunal before which the case shall be pending or may be cognizable, shall have pronounced its sentence and the sentence shall have been carried into effect.

It is understood that the preceding stipulations shall not apply to the citizens or subjects of the country where the desertion shall take place.

#### ARTICLE II.

The present Treaty shall be ratified and the ratifications shall be exchanged at Washington or at London without delay.

#### ARTICLE III.

The present Treaty shall come into operation at the expiration of thirty days from the date of the exchange of ratifications. It shall remain in force for five years after that date and thereafter until terminated by a twelve months' notice to be given by either High Contracting Party to the other.

In faith whereof, we, the respective Plenipotentiaries have signed this Treaty and have hereunto affixed our Seals.

Done in duplicate at Washington, this third day of June, one thousand eight hundred and ninety-two.

JAMES G. BLAINE      [SEAL.]  
JULIAN PAUNCEFOTE    [SEAL.]

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1892.

#### CONVENTION FOR DELIMITING BOUNDARIES NOT PERMANENTLY MARKED.

*Concluded July 22, 1892; ratification advised by the Senate July 25, 1892; ratified by the President July 29, 1892; ratifications exchanged August 23, 1892; proclaimed August 26, 1892. (U. S. Stats., Vol. 27, p. 955.)*

#### ARTICLES.

- I. Commissions to survey Alaskan boundary.
- II. Commission to mark the boundary in Passamaquoddy Bay.
- III. Ratification.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being equally desirous to provide for the removal of all possible cause of difference between their respective governments hereafter in regard to the delimitation of the existing boundary between the United States and Her Majesty's possessions in North America in respect to such portions of said boundary as may not in fact have been permanently marked in virtue of treaties heretofore concluded; have resolved to conclude a Convention in furtherance of these ends, and for that purpose have appointed as their respective plenipotentiaries;

The President of the United States, John W. Foster, Secretary of State of the United States, and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, The Honorable Michael H. Herbert, Chargé d'Affaires *ad interim* of Great Britain,

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

#### ARTICLE I.

The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary line of the United States of America and the Dominion of Canada dividing the Territory of Alaska from the Province of British Columbia and the Northwest Territory of Canada, from the latitude of  $54^{\circ} 40'$  North to the point where the said boundary line encounters the  $141^{\text{st}}$  degree of longitude westward from the meridian of Greenwich, by Commissions to be appointed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary line in accordance with the spirit and intent of the existing treaties in regard to it between Great Britain and Russia and between the United States and Russia.

Application will be made without delay to the respective legislative bodies for the appropriations necessary for the prosecution of the survey, and the Commissions to be appointed by the two governments shall meet at Ottawa within two months after said appropriation shall have been made, and shall proceed as soon as practicable there after to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting.

The Commissions shall, so far as they may be able to agree, make a joint report to each of the two governments, and they shall also report, either jointly or severally, to each government on any points upon which they may be unable to agree.

Each government shall pay the expenses of the Commission appointed by it.

Each government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissions, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that, as soon as practicable after the report or reports of the Commissions shall have been received, they will proceed to consider and establish the boundary line in question.

#### ARTICLE II.

The High Contracting Parties agree that the Governments of the United States and of Her Britannic Majesty in behalf of the Dominion of Canada shall, with as little delay as possible, appoint two Commissioners, one to be named by each party, to determine upon a method of more accurately marking the boundary line between the two countries in the waters of Passamaquoddy Bay in front of and adjacent to Eastport, in the State of Maine, and to place buoys or fix such other boundary marks as they may determine to be necessary.

Each government shall pay the expenses of its own Commissioner, and cost of marking the boundary in such manner as shall be determined upon shall be defrayed by the High Contracting Parties in equal moieties.

### ARTICLE III.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in duplicate at Washington the 22<sup>d</sup> day of July one thousand eight hundred and ninety-two.

JOHN W. FOSTER. [SEAL.]  
MICHAEL H HERBERT [SEAL.]

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1894.

### CONVENTION EXTENDING THE TERMS OF THE ALASKAN BOUNDARY COMMISSIONS.

*Concluded February 3, 1894; ratification advised by the Senate February 12, 1894; ratified by the President February 15, 1894; ratifications exchanged March 28, 1894; proclaimed March 28, 1894. (U. S. Stats., Vol. XXVIII, p. 1200.)*

### ARTICLES.

#### I. Term of commissions extended. | II. Ratification.

The Governments of the United States of America and of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being credibly advised that the labors of the Commission organized pursuant to the Convention which was concluded between the High Contracting Parties at Washington, July 22, 1892, providing for the delimitation of the existing boundary between the United States and Her Majesty's possessions in North America in respect to such portions of said boundary line as may not in fact have been permanently marked in virtue of treaties heretofore concluded, can not be accomplished within the period of two years from the first meeting of the Commission as fixed by that Convention, have deemed it expedient to conclude a supplementary convention extending the term for a further period and for this purpose have named as their respective plenipotentiaries:

The President of the United States, Walter Q. Gresham, Secretary of State of the United States, and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Excellency Sir Julian Pauncefote, G. C. B., G. C. M. G., Ambassador Extraordinary and Plenipotentiary of Great Britain;

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed upon the following articles:

## ARTICLE I.

The third paragraph of Article I of the Convention of July 22, 1892, states that the respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting. The Joint Commissioners held their first meeting November 28, 1892; hence the time allowed by that Convention expires November 28, 1894. Believing it impossible to complete the required work within the specified period, the two Governments hereby mutually agree to extend the time to December 31, 1895.

## ARTICLE II.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at Washington at the earliest practicable date.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in duplicate at Washington, the 3<sup>d</sup> day of February, one thousand eight hundred and ninety-four.

[SEAL.]  
[SEAL.]

W. Q. GRESHAM  
JULIAN PAUNCEFOTE

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1896.

## CLAIMS CONVENTION.

*Concluded February 8, 1896; ratification advised by the Senate with amendments April 15, 1896; ratified by the President April 23, 1896; ratifications exchanged June 3, 1896; proclaimed June 11, 1896. (U. S. Stats., Vol. 29, p. 844.)*

This convention provided for a commission to settle the claims presented by Great Britain for the losses sustained by the seizures of British vessels for fur sealing in the Bering Sea, under the provisions of the award of the Paris Tribunal of 1893. The two commissioners authorized by the convention held their first session at Victoria, British Columbia, November 25, 1896, and December 17, 1897, rendered an award of \$473,151.26 against the United States.

# GREECE.

1837.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded December 22, 1837; ratification advised by the Senate March 26, 1838; ratified by the President April 12, 1838; ratifications exchanged June 13, 1838; proclaimed August 30, 1838. (Treaties and Conventions, 1889, p. 502.)*

### ARTICLES.

- |                                       |  |
|---------------------------------------|--|
| I. Freedom of commerce.               | X. Vessels entering without un-        |
| II. Tonnage duties, etc.              | loading.                               |
| III. Imports.                         | XI. Unloading part of cargo.           |
| IV. Exports.                          | XII. Consular officers and privileges. |
| V. Coasting trade.                    | XIII. Deserters from ships.            |
| VI. Government purchases.             | XIV. Shipwrecks.                       |
| VII. Navigation duties.               | XV. Quarantine.                        |
| VIII. No discriminating prohibitions. | XVI. Blockades.                        |
| IX. Transit, bounties, and draw-      | XVII. Duration.                        |
| backs.                                | XVIII. Ratification.                   |

The United States of America and His Majesty the King of Greece, equally animated with the sincere desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending also and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of Navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries; Have, in consequence, agreed to enter into negotiations for the conclusion of a Treaty of Commerce and Navigation, and for that purpose have appointed Plenipotentiaries; The President of the United States of America, Andrew Stevenson, Envoy Extraordinary and Minister Plenipotentiary of the United States, near the Court of Her Britannic Majesty, and His Majesty the King of Greece, Spiridion Tricoupi Councillor of State on Special Service, his Envoy Extraordinary, and Minister Plenipotentiary near the same Court, Grand Commander of the Royal Order of the Saviour, Grand Cross of the American Order of Isabella the Catholic, Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:

### ARTICLE I.

The Citizens and subjects of each of the two High Contracting Parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the Territories of the other, wherever Foreign Commerce is permitted. They shall be at

liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce, and they shall enjoy, generally, the most entire security and protection in their Mercantile Transactions, on conditions of their submitting to the Laws and Ordinances of the Respective Countries.

#### ARTICLE II.

Greek vessels arriving either laden or in ballast, into the Ports of the United States of America, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure upon the same footing as National Vessels coming from the same place, with respect to the duties of tonnage, light houses, pilotage, and port charges, as well as to the perquisites of Public Officers, and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any Private Establishment whatsoever.

And, reciprocally, the Vessels of the United States of America arriving either laden, or in ballast, into the Ports of the Kingdom of Greece, from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure upon the same footing as National Vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of Public Officers; and all other duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any Private Establishments whatsoever.

#### ARTICLE III.

All that may be lawfully imported into the United States of America, in Vessels of the said States, may also be thereinto imported in Greek Vessels, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the Local Authorities, or of any Private Establishments whatsoever, than if imported in National Vessels.

And, reciprocally, all that may be lawfully imported into the Kingdom of Greece, in Greek Vessels, may also be thereinto imported, in Vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any Private Establishments whatsoever, than if imported in National Vessels.

#### ARTICLE IV.

All that may be lawfully exported from the United States of America, in Vessels of the said States, may also be exported therefrom in Greek Vessels, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the Local Authorities, or of any Private Establishments whatsoever, than if exported in National Vessels.

And, reciprocally, all that may be lawfully exported from the Kingdom of Greece, in Greek Vessels, may also be exported therefrom in Vessels of the United States of America, without paying other or



higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the Local Authorities, or of any Private Establishments whatsoever, than if exported in National Vessels.

#### ARTICLE V.

It is expressly understood that the foregoing second, third, and fourth Articles are not applicable to the Coast-wise Navigation from one Port of the United States of America to another Port of the said States; nor to the navigation from one port of the Kingdom of Greece to another port of the said Kingdom, which navigation each of the two High Contracting Parties reserves to itself.

#### ARTICLE VI.

Each of the two High Contracting Parties engages not to grant, in its purchases, or in those which might be made by Companies or Agents acting in its name, or under its authority, any preference to importations made in its own vessels, or in those of a third Power, over those made in the vessels of the other Contracting Party.

#### ARTICLE VII.

The two High Contracting Parties engage not to impose upon the Navigation between their respective Territories, in the vessels of either, any tonnage or other duties of any kind or denomination, which shall be higher or other than those which shall be imposed on every other Navigation, except that which they have reserved to themselves respectively by the fifth Article of the present Treaty.

#### ARTICLE VIII.

There shall not be established in the United States of America, upon the products of the soil or industry of the Kingdom of Greece, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties shall likewise be established upon articles of like nature, the growth of any other Country;

And, reciprocally, there shall not be established in the Kingdom of Greece on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature, the growth of any other Country.

#### ARTICLE IX.

All privileges of transit and all bounties and drawbacks which may be allowed within the territories of one of the High Contracting Parties, upon the importation or exportation of any article whatsoever, shall, likewise, be allowed on the articles of like nature, the products of the soil or industry of the other Contracting Party, and on the importations and exportations made in its vessels.

## ARTICLE X.

The Citizens or Subjects of one of the High Contracting Parties, arriving with their Vessels on the Coasts belonging to the other, but not wishing to enter the Port, or after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of Light-houses, when such duties shall be levied on National Vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation, and the places and ports which they may enter, as are, or shall be, in force with regard to National Vessels, and that the custom house officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful Commerce, as long as the Vessels shall remain within the limits of their Jurisdiction.

## ARTICLE XI.

It is further agreed that the Vessels of one of the High Contracting Parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the Captain or owner may wish, and that they may freely depart with the remainder, without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon, and erased from, the manifest exhibiting the enumeration of the articles with which the vessel was laden, which manifest shall be presented entire at the Custom House of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage, to one or several other ports of the same Country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other Country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges, of the same description shall be demanded anew in the ports of the same Country, which such vessels might, afterwards wish to enter, unless National Vessels be in similar cases, subject to some ulterior duties.

## ARTICLE XII.

Each of the High Contracting Parties grants to the other the privilege of appointing in its commercial ports and places, Consuls, Vice Consuls, and Commercial Agents, who shall enjoy the full protection, and receive every assistance necessary for the due exercise of their functions; But it is expressly declared that in case of illegal or improper conduct, with respect to the laws or government of the Country in which said Consuls, Vice Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted;

it being understood, however, that the archives and documents relative to the affairs of the Consulate shall be exempt from all search; and shall be carefully preserved under the seals of the Consuls, Vice Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right as such, to sit as Judges and Arbitrators in such differences as may arise between the Captains and Crews of the vessels belonging to the Nation whose interests are committed to their charge, without the interference of the Local Authorities, unless the conduct of the Crews, or of the Captain, should disturb the order or tranquillity of the country, or the said Consuls, Vice Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their Country.

#### ARTICLE XIII.

The said Consuls, Vice Consuls, or Commercial Agents are authorized to require the assistance of the Local Authorities for the arrest, detention, and imprisonment of the Deserters from the ships of War and Merchant Vessels of their Country; and for this purpose, they shall apply to the competent Tribunals Judges, and Officers, and shall in writing demand said Deserters, proving by the exhibition of the registers of the vessels, the rolls of the Crews, or by other Official Documents that such Individuals formed part of the Crews;—and on this reclamation being thus substantiated, the surrender shall not be refused.

Such Deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice Consuls, or Commercial Agents, and may be confined in the Public Prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country.—But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed, until the Tribunal before which the case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

#### ARTICLE XIV.

In case any vessel of one of the High Contracting Parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the Coasts of the Dominions of the other, every aid and assistance shall be given to the persons shipwrecked, or in danger, and passports shall be granted to them to return to their Country. The shipwrecked vessels and merchandise or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by National Vessels in the same circumstances; and the salvage Companies shall not compel the

acceptance of their services, except in the same cases and after the same delays as shall be granted to the captains and crews of national vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts.

#### ARTICLE XV.

It is agreed that vessels arriving directly from the United States of America, at a port within the dominions of His Majesty The King of Greece, or from the Kingdom of Greece at a port of the United States of America, and provided with a bill of Health granted by an Officer having competent power to that effect, at the port whence such vessel shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other Quarantine than such as may be necessary for the visit of the Health Officer of the Port where such vessels shall have arrived, after which said vessels shall be allowed immediately to enter, and unload their cargoes—Provided always that there shall be on board no person who during the voyage, shall have been attacked with any malignant or contagious Diseases; that such vessels shall not, during their passage, have communicated with any vessel liable itself, to undergo a quarantine, and that the country whence they came shall not, at that time, be so far infected or suspected, that before their arrival an ordinance had been issued, in consequence of which all vessels coming from that Country should be considered as suspected, and consequently subject to Quarantine.

#### ARTICLE XVI.

Considering the remoteness of the respective Countries of the two High Contracting Parties, and the uncertainty resulting therefrom, with respect to the various events which may take place; It is agreed that a merchant-vessel belonging to either of them, which may be bound to a Port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued—But all Vessels which after having been warned off once, shall, during the same voyage attempt a second time to enter the same blockaded port, during the continuance of said Blockade, shall then subject themselves to be detained and condemned.

#### ARTICLE XVII.

The present Treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if before the expiration of the first nine years, neither of the High Contracting Parties shall have announced by an Official Notification to the other its intention to arrest the operation of said Treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar Notification, whatever the time at which it may take place.

## ARTICLE XVIII.

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty The King of Greece, and the ratifications to be exchanged at London within the space of twelve months from the signature, or sooner if possible.

In faith whereof the respective Plenipotentiaries of the High Contracting Parties have signed the present treaty, both in English and French, and have affixed thereto their seals.

Done in duplicate at London, the <sup>tenth</sup>~~twenty-second~~ of December in the year of our Lord one thousand eight hundred and thirty seven.

[SEAL.]  
[SEAL.]

A. STEVENSON  
S TRICOUPI

## GUATEMALA.

1849.

TREATY OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION.

*Concluded March 3, 1849; ratification advised by the Senate September 24, 1850; time for exchange of ratifications extended by the Senate September 27, 1850, and again June 7, 1852; ratified by the President November 14, 1850; ratifications exchanged May 13, 1852; proclaimed July 28, 1852. (Treaties and Conventions, 1889, p. 508.)*

This treaty of thirty-three articles was terminated by notice November 4, 1874.



# HAITI.

1864.

## TREATY OF AMITY, COMMERCE AND NAVIGATION, AND EXTRADITION.

*Concluded November 3, 1864; ratification advised by the Senate January 17, 1865; ratified by the President May 18, 1865; ratifications exchanged May 22, 1865; proclaimed July 6, 1865. (Treaties and Conventions, 1889, p. 551.)*

### ARTICLES.

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|--|---|
| I. Amity.                                  | XXIV. Right of search.                          |
| II. Most favored nation treatment.         | XXV. Ships under convoy.                        |
| III. Immunity in case of war.              | XXVI. Captures.                                 |
| IV. Confiscations prohibited.              | XXVII. Care of property captured.               |
| V. Personal exemptions of citizens.        | XXVIII. Prize courts.                           |
| VI. Trade privileges.                      | XXIX. Entry of captured vessels.                |
| VII. Privacy of books and papers.          | XXX. Restriction on foreign privateers.         |
| VIII. Religious freedom.                   | XXXI. Letters of marque forbidden.              |
| IX. Disposal of personal property.         | XXXII. Diplomatic privileges.                   |
| X. Imports.                                | XXXIII. Consular service.                       |
| XI. Exports.                               | XXXIV. Exequaturs.                              |
| XII. Coasting trade.                       | XXXV. Consular privileges.                      |
| XIII. Equality of duties and prohibitions. | XXXVI. Deserters from ships.                    |
| XIV. Discriminating duties.                | XXXVII. Consular convention to be concluded.    |
| XV. Rights of asylum.                      | XXXVIII. Extradition of fugitives from justice. |
| XVI. Shipwrecks.                           | XXXIX. Extraditable crimes.                     |
| XVII. Neutrality of vessels.               | XL. Surrender; expenses.                        |
| XVIII. Blockades.                          | XLI. Political offenses.                        |
| XIX. Free ships, free goods.               | XLII. Duration.                                 |
| XX. Contraband articles.                   | XLIII. Ratification.                            |
| XXI. Goods not contraband.                 |   |
| XXII. Merchant ships.                      |   |
| XXIII. Papers of neutral vessels.          |   |

The United States of America and the Republic of Hayti, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, and to place their commercial relations upon the most liberal basis, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of Amity, Commerce, and Navigation, and for the Extradition of Fugitive Criminals.

For this purpose they have appointed as their Plenipotentiaries, to wit: the President of the United States, *Benjamin F. Whidden*, Commissioner and Consul General of the United States to the Republic of Hayti; and the President of Hayti, *Boyer Bazelaïs*, Chef d'Escadron, his Aide de camp and Secretary, who, after a reciprocal communication of their respective full powers, found in due and proper form, have agreed to the following articles:

## ART. 1.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Hayti, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

## ART. 2.

The United States of America and the Republic of Hayti, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce or navigation, which either of them has granted or may hereafter grant, to the citizens or subjects of any other government, nation, or state, shall extend in identity of cases and circumstances, to the citizens of the other contracting party; gratuitously, if the concession in favor of that other government, nation, or state shall have been gratuitous; or, in return for an equivalent compensation, if the concession shall have been conditional.

## ART. 3.

If by any fatality, (which cannot be expected, and which God forbid) the two nations shall become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and movables, which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; which immunity is not in any way to be construed to prevent the execution of any existing civil or commercial engagements; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and their effects which they may wish to carry with them or send away, and such passports shall be a safe conduct against the insults and captures which privateers may attempt against their persons and effects.

## ART. 4.

Neither the money, debts, shares in the public funds or in banks, or any other property of either party, shall ever, in the event of war or national difference, be sequestered or confiscated.

## ART. 5.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military duty by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever higher or other than those that are or may be paid by native citizens.

## ART. 6.

The citizens of each of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of the territories of the other, engage in business, hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party respectively, as well as in respect to the consignment and sale of their goods as with respect to the loading, unloading, and sending off their vessels. They may also employ such agents or brokers as they may deem proper; it being distinctly understood that they are subject also to the same laws. The citizens of the contracting parties shall have free access to the tribunals of justice, in all cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens, furnishing security in the cases required; for which purpose they may employ in the defence of their interests and rights such advocates, solicitors, attorneys, and other agents as they may think proper, agreeably to the laws and usage of the country.

## ART. 7.

There shall be no examination or inspection of the books, papers, or accounts of the citizens of either country residing within the jurisdiction of the other without the legal order of a competent tribunal or judge.

## ART. 8.

The citizens of each of the high contracting parties, residing within the territory of the other, shall enjoy full liberty of conscience. They shall not be disturbed or molested on account of their religious opinions or worship, provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult by the local authorities.

## ART. 9.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives, being citizens of the other contracting party, shall succeed to their personal property, whether by testament or *ab intestato*. They may take possession thereof, either by themselves or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, while the lawful owner may take measures for securing it. If a question as to the rightful ownership of the property should arise among claimants, the same shall be determined by the judicial tribunals of the country in which it is situated.

## ART. 10.

The high contracting parties hereby agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Republic of Hayti, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected than shall be levied or collected of the vessels of the most favored nation.

And reciprocally whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into Hayti in her own vessels, may be also imported in the vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, than shall be levied or collected of the vessels of the most favored nation.

## ART. 11.

It is also hereby agreed that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may in like manner be exported or re-exported in vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed as are collected of and allowed to the most favored nation.

It is also understood that the foregoing principles shall apply whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

## ART. 12.

The provisions of this treaty are not to be understood as applying to the coasting trade of the contracting parties, which is respectively reserved by each exclusively, to be regulated by its own laws.

## ART. 13.

No higher or other duties shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Hayti or her fisheries; and no higher or other duties shall be imposed on the importation into Hayti of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country or its fisheries.

No other or higher duties or charges shall be imposed in the United States on the exportation of any article to Hayti, nor in Hayti on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like articles to any foreign country.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of Hayti and her fisheries, from or to the ports of the United States or Hayti, which shall not equally extend to any other foreign country.

## ART. 14.

It is hereby agreed that if either of the high contracting parties should hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the origin of its own products intended to enter the country by which the discriminating duties are imposed.

## ART. 15.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports, or dominions of the other with their vessels, whether merchant or war, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their vessels and placing themselves in a condition to continue their voyage without obstacle or hindrance of any kind.

And the provisions of this article shall apply to privateers or private vessels of war as well as public, until the two high contracting parties may relinquish that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

## ART. 16.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened; and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in like cases.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like cases by national vessels.

## ART. 17.

It shall be lawful for the citizens of either Republic to sail with their ships and merchandise (contraband goods excepted) with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties.

It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before-mentioned, and to trade with the same liberty and security, not only from ports and places of those who are enemies of both or either party, to ports of the other, and to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one or several Powers, unless such ports or places are blockaded, besieged or invested.

## ART. 18.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is hereby agreed by the high contracting parties that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper; provided the same be not blockaded, besieged, or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender of such place shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

## ART. 19.

The two high contracting parties recognize as permanent and immutable the following principles, to wit:

1<sup>st</sup>. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture or confiscation when found on board neutral vessels, with the exception of articles contraband of war.

2<sup>nd</sup>. That the property of neutrals on board of an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship, with this effect, that although they may be enemies of both, or either party, they are not to be taken out of that ship unless they are officers or soldiers, and in the actual service of the enemy. The contracting parties engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them as permanent and immutable.

## ART. 20.

The liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war; and under this name shall be comprehended—

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and everything belonging to the use of arms.

2. Bucklers, helmets, breastplates, coats-of-mail, accoutrements, and clothes made up in military form, and for military use.

3. Cavalry belts, and horses, with their harness.

4. And generally, all offensive or defensive arms made of iron, steel, brass, copper, or of any other material prepared and formed to make war by land or at sea.



of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, mate, and passengers five hundred dollars each, and for the sailors one hundred dollars each.

ART. 28.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and all of the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

ART. 29.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law or by treaty with the most favored nation.

ART. 30.

It shall not be lawful for any foreign privateers who have commissions from any prince or state in enmity with either nation to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that prince or state from which they have received their commissions.

ART. 31.

No citizen of Hayti shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war; nor shall any citizen of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of Hayti, or any of them, or the property of any of them, from any prince or State with which the said Republic shall be at war; and if any person of either nation shall take such commission or letters of marque, he shall be punished according to their respective laws.

## ART. 32.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their Envoys, Ministers, and other diplomatic agents, the same favors, privileges, immunities, and exemptions, which the most favored nations do or shall enjoy; it being understood that whatever favors, privileges, immunities, or exemptions, the United States of America or the Republic of Hayti may find it proper to give to the Envoys, Ministers, and other diplomatic agents, of any other Power, shall by the same act be extended to those of each of the contracting parties.

## ART. 33.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Hayti agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation.

## ART. 34.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before exercising their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form; and, having obtained their *exequatur*, they shall be acknowledged, in their official character, by the authorities, magistrates, and inhabitants, in the consular district in which they reside.

## ART. 35.

It is also agreed that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all kinds of imposts, taxes, and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside, are subject; being, in everything besides, subject to the laws of the respective States.

The archives and papers of the consulates shall be respected inviolably; and under no pretext whatever shall any person, magistrate, or other public authority seize or in any way interfere with them.

## ART. 36.

The said consuls and vice-consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed a part of the crews; and on this claim being

substantiated the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the consuls and vice-consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

ART. 37.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ART. 38.

It is agreed that the high contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek an asylum or shall be found within the territories of the other:

*Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

ART. 39.

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit: murder, (including assassination, parricide, infanticide, and poisoning); attempt to commit murder; piracy; rape; forgery; the counterfeiting of money; the utterance of forged paper; arson; robbery; and embezzlement by public officers; or by persons hired or salaried, to the detriment of their employers; when these crimes are subject to infamous punishment.

ART. 40

The surrender shall be made, on the part of each country, only by the authority of the Executive thereof. The expenses of the detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ART. 41

The provisions of the foregoing articles relating to the extradition of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

Neither of the contracting parties shall be bound to deliver up its own citizens under the provisions of this treaty.

## ART. 42.

The present treaty shall remain in force for the term of eight years, dating from the exchange of ratifications; and if one year before the expiration of that period neither of the contracting parties shall have given notice to the other of its intention to terminate the same, it shall continue in force, from year to year, until one year after an official notification to terminate the same, as aforesaid.

## ART. 43

The present treaty shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged, at Washington, within six months from the date hereof, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed the foregoing articles, in the English and French languages, and they have hereunto affixed their seals.

Done in duplicate, at the city of Port-au-Prince, this third day of November, in the year of our Lord one thousand eight hundred and sixty-four.

B. F. WHIDDEN [SEAL.]  
BOYER BAZELAIS [SEAL.]

## HANOVER.

Hanover was conquered and merged into Prussia in 1866, and is now included in the German Empire, p. 192.

1840.

### TREATY OF COMMERCE AND NAVIGATION.

*Concluded May 20, 1840; ratification advised by the Senate July 15, 1840; ratified by the President July 28, 1840; ratifications exchanged November 14, 1840; proclaimed January 2, 1841. (Treaties and Conventions, 1889, p. 528.)*

This treaty, consisting of ten articles, was superseded by the Treaty of 1846.

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1846.

### TREATY OF COMMERCE AND NAVIGATION.

*Concluded June 10, 1846; ratification advised by the Senate January 6, 1847; ratified by the President July 28, 1847; ratifications exchanged March 15, 1847; proclaimed April 24, 1847. (Treaties and Conventions, 1889, p. 523.)*

This treaty of thirteen articles terminated on the merging of the country into the Kingdom of Prussia.

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Federal case: *Valk v. U. S. et al*, 29 Ct. Cl., 62.

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1855.

### EXTRADITION TREATY.

*Concluded January 18, 1855; ratification advised by the Senate March 13, 1855; ratified by the President March 18, 1855; ratifications exchanged April 17, 1855; proclaimed May 5, 1855. (Treaties and Conventions, 1889, p. 528.)*

This treaty of six articles terminated in 1866 when Hanover was merged into the Kingdom of Prussia.

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1861.

### CONVENTION ABOLISHING STADE OR BRUNSHAUSEN DUES.

*Concluded November 6, 1861; ratification advised by the Senate February 3, 1862; ratified by the President February 7, 1862; ratifications exchanged April 29, 1862; proclaimed June 17, 1862. (Treaties and Conventions, 1889, p. 530.)*

This treaty, consisting of seven articles, terminated on the incorporation of the Kingdom into Prussia.

# HANSEATIC REPUBLICS.

(BREMEN, HAMBURG, AND LUBECK.)

The Hanseatic Republics were incorporated into the North German Union July 1, 1867. (Page 466.)

1827.

## CONVENTION OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

*Concluded December 20, 1827; ratification advised by the Senate January 7, 1828; ratified by the President; ratifications exchanged June 2, 1828; proclaimed June 2, 1828. (Treaties and Conventions, 1889, p. 533.)*

### ARTICLES.

- |                                 |   |
|---------------------------------|---|
| I. Equality of duties.          | VII. Property rights.                             |
| II. Import and export duties.   | VIII. Special protection to persons and property. |
| III. Government purchases.      | IX. Most favored nation privileges.               |
| IV. Proof of Hanseatic vessels. | X. Duration.                                      |
| V. Rights to trade.             | XI. Ratification.                                 |
| VI. Commercial privileges.      |   |

The United States of America, on the one part, and the Republic and free Hanseatic City of Lubeck, the Republic and free Hanseatic City of Bremen, and the Republic and free Hanseatic City of Hamburg, (each State for itself separately,) on the other part, being desirous to give greater facility to their commercial intercourse, and to place the privileges of their navigation on a basis of the most extended liberality, have resolved to fix in a manner clear, distinct and positive, the rules which shall be observed between the one and the other, by means of a Convention of Friendship, Commerce and Navigation.

For the attainment of this most desirable object, the President of the United States of America has conferred Full Powers on Henry Clay, their Secretary of State; and the Senate of the Republic and free Hanseatic City of Lubeck, the Senate of the Republic and free Hanseatic City of Bremen, and the Senate of the Republic and free Hanseatic City of Hamburg, have conferred Full Powers on Vincent Rumpff, their Minister Plenipotentiary near the United States of America; who, after having exchanged their said Full Powers, found in due and proper form, have agreed to the following articles:

### ARTICLE I.

The Contracting Parties agree, That whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time, lawfully imported into the United States, in their own vessels, may be also imported in vessels of the said free Hanseatic Republics



of Lubeck, Bremen and Hamburg; and that no higher, or other duties, upon the tonnage or cargo of the vessel, shall be levied or collected, whether the importation be made in vessels of the United States, or of either of the said Hanseatic Republics. And, in like manner, that whatever kind of produce, manufacture or merchandise of any foreign country, can be, from time to time, lawfully imported into either of the said Hanseatic Republics, in its own vessels, may be also imported in vessels of the United States; and that no higher, or other, duties upon the tonnage or cargo of the vessel, shall be levied or collected, whether the importation be made in vessels of the one Party or of the other. And they further agree, that whatever may be lawfully exported, or re-exported, by one party, in its own vessels, to any foreign country, may, in like manner, be exported, or re-exported, in the vessels of the other Party. And the same bounties, duties and draw-backs shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the one Party or of the other. Nor shall higher or other, charges, of any kind, be imposed in the ports of the one Party, on vessels of the other, than are or shall be payable, in the same ports by national vessels.

#### ARTICLE II.

No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of the free Hanseatic Republics of Lubeck, Bremen, and Hamburg; and no higher or other duties shall be imposed on the importation into either of the said Republics, of any article the produce or manufacture of the United States, than are, or shall be payable on the like article being the produce or manufacture of any other foreign country; nor shall any other, or higher, duties or charges be imposed by either Party on the exportation of any articles to the United States or to the free Hanseatic Republics of Lubeck, Bremen, or Hamburg, respectively, than such as are, or shall be, payable on the exportation of the like articles, to any other foreign country; nor shall any prohibition be imposed, on the importation or exportation of any article, the produce or manufacture of the United States, or of the free Hanseatic Republics of Lubeck, Bremen or Hamburg, to, or from, the ports of the United States; or to, or from the ports of the other Party, which shall not equally extend to all other nations.

#### ARTICLE III.

No priority or preference shall be given, directly, or indirectly, by any or either of the Contracting Parties, nor by any Company, Corporation, or Agent, acting on their behalf, or under their authority, in the purchase of any article, the growth, produce, or manufacture of their States, respectively, imported into the other, on account of, or in reference, to the character of the vessel, whether it be of the one Party, or of the other, in which such article was imported: it being the true intent and meaning of the Contracting Parties that no distinction or difference whatever shall be made in this respect.

#### ARTICLE IV.

In consideration of the limited extent of the territories of the Republics of Lubeck, Bremen and Hamburg, and of the intimate connection of trade and navigation subsisting between these Repub-

lies it is hereby stipulated and agreed, that any vessel which shall be owned exclusively by a citizen or citizens of any, or either, of them, and of which the master shall also be a citizen of any, or either of them, and provided three fourths of the crew shall be citizens or subjects of any or either of the said Republics, or of any, or either of the States of the Confederation of Germany, such vessel, so owned, and navigated, shall, for all the purposes of this Convention, be taken to be and considered as, a vessel belonging to Lubeck, Bremen, or Hamburg.

#### ARTICLE V.

Any vessel, together with her cargo, belonging to either of the free Hanseatic Republics of Lubeck, Bremen, or Hamburg, and coming from either of the said ports, to the United States, shall, for all the purposes of this Convention, be deemed to have cleared from the Republic to which such vessel belongs; although, in fact, it may not have been the one from which she departed; and any vessel of the United States, and her cargo, trading to the ports of Lubeck, Bremen, or Hamburg, directly, or in succession, shall, for the like purposes, be on the footing of a Hanseatic vessel, and her cargo, making the same voyage.

#### ARTICLE VI.

It is, likewise, agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both Parties, to manage, themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandize, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected; they being in all these cases, to be treated as citizens of the Republic in which they reside, or, at least, to be placed on a footing with the citizens or subjects of the most favored nation.

#### ARTICLE VII.

The Citizens of each of the Contracting Parties shall have power to dispose of their personal goods, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other Party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are, shall be subject to pay in like cases: and if, in the case of real estate, the said heirs would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds, without molestation, and exempt from all duties of detraction, on the part of the Government of the respective States.

## ARTICLE VIII.

Both the Contracting Parties promise and engage formally, to give their special protection to the persons and property, of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have as free opportunity as native citizens to be present at the decisions and sentences of the tribunals, in all cases which may concern them; and, likewise, at the taking of all examinations and evidence which may be exhibited in the said trials.

## ARTICLE IX.

The Contracting Parties, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of Commerce and navigation, which shall not immediately become common to the other Party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

## ARTICLE X.

The present Convention shall be in force for the term of twelve years from the date hereof, and further, until the end of twelve months after the Government of the United States, on the one part, or the free Hanseatic Republics of Lubeck, Bremen or Hamburg, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the said Contracting Parties reserving to itself the right of giving such notice to the other, at the end of the said term of twelve years; and it is hereby agreed between them, that, at the expiration of twelve months after such notice shall have been received by either of the Parties from the other, this Convention, and all the provisions thereof, shall, altogether, cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed, that, if one, or more of the Hanseatic Republics aforesaid, shall, at the expiration of twelve years, from the date hereof, give or receive notice of the proposed termination of this Convention, it shall nevertheless remain in full force and operation, as far as regards the remaining Hanseatic Republics; or Republic which may not have given or received such notice.

## ARTICLE XI.

The present convention being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

In faith whereof, We, the Plenipotentiaries of the Contracting Parties, have signed the present Convention; and have thereto affixed our seals.

Done in quadruplicates, at the City of Washington, on the twentieth day of December, in the year of our Lord, one thousand, eight hundred and twenty seven, in the fifty second year of the Independence of the United States of America.

[SEAL.]  
[SEAL.]

H. CLAY.  
V. RUMPF. F.

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1828.

#### ADDITIONAL ARTICLE TO CONVENTION OF 1827.

*Concluded June 4, 1828; ratification advised by the Senate December 29, 1828; ratified by the President; ratifications exchanged January 14, 1829; proclaimed July 29, 1829. (Treaties and Conventions, 1889, p. 537.)*

This article, relating to the arrest of deserters at the request of consuls, was superseded by the consular convention with the German Empire, 1871. (See page 192.)

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1852.

#### CONSULAR CONVENTION.

*Concluded April 30, 1852; ratification advised by the Senate August 30, 1852; ratified by the President September 24, 1852; ratifications exchanged February 25, 1853; proclaimed June 6, 1853. (Treaties and Conventions, 1889, p. 538.)*

This convention of three articles was superseded by the general consular convention of the German Empire, 1871, page 192.

## HAWAIIAN ISLANDS.

The cession of the Hawaiian Islands to the United States having been accepted by the resolution approved by the President July 7, 1898, (U. S. Stats. Vol. 30, p. 75.), the treaties with that country terminated upon the formation of the government for the islands.

1849.

### TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION AND EXTRADITION.

*Concluded December 20, 1849; ratification advised by the Senate January 14, 1850; ratified by the President February 4, 1850; ratifications exchanged August 24, 1850; proclaimed November 9 1850. (Treaties and Conventions, 1889, p. 540.)*

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1875.

### TREATY OF RECIPROCITY.

*Concluded January 30, 1875; ratification advised by the Senate March 18, 1875; ratified by the President May 31, 1875; ratifications exchanged June 3, 1875; proclaimed June 3, 1875. (Treaties and Conventions, 1889, p. 546.)*

By this treaty of six articles certain specified articles were admitted free of duty into the United States and the Hawaiian Islands respectively.

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Federal case: *Netherclift v. Robertson*, 23 Blatch., 548.

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1884.

### TREATY OF RECIPROCITY.

*Concluded December 6, 1884; ratification advised by the Senate with amendments January 20, 1887; ratified by the President November 7, 1887; ratifications exchanged November 9, 1887; proclaimed November 9, 1887. (Treaties and Conventions, 1889, p. 1187.)*

By this treaty the Reciprocity Treaty of 1875 was extended for a further term of seven years and there was granted to the United States the exclusive right to establish a coaling station at Pearl River Harbor.

# HESSE.

(SEE NORTH GERMAN CONFEDERATION.)

1844.

## CONVENTION ABOLISHING DROIT D'AUBAINE AND TAXES ON EMIGRATION.

*Concluded March 26, 1844; ratification advised by the Senate June 12, 1844; ratified by the President June 22, 1844; ratifications exchanged October 16, 1844; time for exchange of ratifications extended to July 4, 1845, and exchange previous thereto declared regular by the Senate January 13, 1845; proclaimed May 8, 1845. (Treaties and Conventions, 1889, p. 562.)*

### ARTICLES.

- |  |                             |
|--|-----------------------------|
| I. Droit d'aubaine, etc., abolished.   | IV. Rights of absent heirs. |
| II. Disposition of real estate.        | V. Inheritance disputes.    |
| III. Disposition of personal property. | VI. Ratification.           |

The United States of America, on the one part, and His Royal Highness the Grand Duke of Hesse, on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects have agreed to enter into negotiation for this purpose.

For the attainment of this desirable object, the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy extraordinary and minister plenipotentiary at the Court of His Majesty the King of Prussia, and His Royal Highness the Grand Duke of Hesse, upon Baron Schaeffer Bernstein, his Chamberlain, Colonel, Aide-de-Camp, and minister resident near His Majesty the King of Prussia; who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

#### ART. 1.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction, or tax on emigration, is, hereby, and shall remain abolished, between the two Contracting Parties, their States, citizens, and subjects, respectively.

#### ART. 2.

Where, on the death of any person holding real property within the territories of one Party, such real property would, by the laws of the land, descend on a subject or citizen of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably prolonged according to circumstances, and to withdraw the proceeds thereof, without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.



## ART. 3.

The citizens or subjects of each of the Contracting Parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other Contracting Party, shall succeed to their said personal property, whether by testament or ab intestato, and may take possession thereof, either by themselves or by other acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country, where the said property lies shall be liable to pay in like cases.

## ART. 4

In case of the absence of the heirs, the same care shall be taken provisionally, of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article 2, may take measures to receive or dispose of the inheritance.

## ART. 5.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws, and by the judges of the country where the property is situated.

## ART. 6

This Convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Royal Highness the Grand Duke of Hesse, and the ratifications shall be exchanged at Berlin within the term of six months from the date of the signature hereof, or sooner if possible.

In faith of which the respective Plenipotentiaries have signed the above articles, both in French and English, and have thereto affixed their seals declaring, nevertheless that the signing in both languages shall not hereafter, be cited as a precedent, nor in any way, operate to the prejudice of the Contracting Parties.

Done in quadruplicata in the city of Berlin, on the twenty sixth day of March in the year of our Lord one Thousand Eight Hundred and Forty Four, and the Sixty eighth of the Independence of the United States of America.

[SEAL.]  
[SEAL.]

HENRY WHEATON.  
B'ON DE SCHAEFFER-BERNSTEIN.

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[For stipulations of June 16, 1852, for the mutual delivery of criminals fugitives from justice in certain cases, between the United States and the Elector of Hesse, the Grand Duke of Hesse and on Rhine, and the Landgrave of Hesse-Homburg, and other powers, see convention of that date with Prussia and other States of the Germanic Confederation, page 520.]

1868.

NATURALIZATION CONVENTION.

*Concluded August 1, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged July 23, 1869; proclaimed August 31, 1869. (Treaties and Conventions, 1889, p. 563.)*

ARTICLES.

- |   |                   |
|---|-------------------|
| I. Naturalization recognized.             | V. Duration.      |
| II. Prior offenses.                       | VI. Ratification. |
| III. Extradition.                         |                   |
| IV. Renunciation of acquired citizenship. |                   |

Whereas an agreement was made on the 22<sup>d</sup> of February 1868 between the United States of America and the North German Confederation, to regulate the citizenship of those persons, who emigrate from the United States of America to the territory of the North German Confederation and from the North German Confederation to the United States of America and whereas this agreement by publication in the bulletin of the laws of that Confederation has obtained binding force in the parts of the Grand Duchy of Hesse belonging to the North German Confederation, it has seemed proper in like manner to establish regulations respecting the citizenship of such persons as emigrate from the United States of America to the parts of the Grand Duchy of Hesse not belonging to the North German Confederation and from the above described parts of Hesse to the United States of America.

The President of the United States of America and His Royal Highness the Grand Duke of Hesse and by Rhine have therefore resolved to treat on this subject, and for that purpose have appointed plenipotentiaries to conclude a convention, that is to say:

the President of the United States of America:

George Bancroft, Envoy extraordinary and Minister plenipotentiary and

His Royal Highness the Grand Duke of Hesse and by Rhine,

Dr. Frederick Baron von Lindelof, President of his council of State, Minister of Justice, & actual Privy Counsellor,

who have agreed to, and signed the following articles:

ARTICLE 1.

Citizens of the parts of the Grand Duchy of Hesse not included in the North German confederation, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the Grand Ducal Hessian Government to be American citizens, and shall be treated as such.

Reciprocally: Citizens of the United States of America, who have become, or shall become naturalized citizens of the above described parts of the Grand Duchy Hesse, and shall have resided uninterruptedly therein five years, shall be held by the United States to be citizens of the Grand Duchy Hesse, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country, has not for either party the effect of naturalization.

## ARTICLE 2.

A naturalized citizen of the one party on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitation established by the laws of his original country.

## ARTICLE 3.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States of America and the Grand Duchy Hesse on the 16<sup>th</sup> of June 1852, remains in force, without change.

## ARTICLE 4.

If a Hessian, naturalized in America, but originally a citizen of the parts of the Grand Duchy not included in the North German Confederation, renews his residence in those parts without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Reciprocally: If an American, naturalized in the Grand Duchy of Hesse, (within the above described parts,) renews his residence in the United States without the intent to return to Hesse, he shall be held to have renounced his naturalization in the Grand Duchy.

The intent not to return may be held to exist, when the person naturalized in the one country resides more than two years in the other country.

## ARTICLE 5.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

## ARTICLE 6.

The present convention shall be ratified by the President of the United States of America and by His Royal Highness the Grand Duke of Hesse and by Rhine etc. The ratification of the first is to take effect by and with the advice and consent of the Senate of the United States; on the Grand Ducal Hessian side, the assent of the States of the Grand Duchy is reserved, in so far as it is required by the constitution.

The ratifications shall be exchanged at Berlin within one year of the present date.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Darmstadt. the 1. of August 1868.

GEO. BANCROFT.

FRIEDRICH FREIHERR VON LINDELOF. [SEAL.]

# HONDURAS.

1864.

## TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

*Concluded July 4, 1864; ratification advised by the Senate February 20, 1865; ratified by the President March 9, 1865; ratifications exchanged May 5, 1865; proclaimed May 30, 1865. (Treaties and Conventions, 1889, p. 566.)*

### ARTICLES.

- |   |  |
|---|--|
| I. Amity.   | X. Diplomatic and consular privileges.             |
| II. Freedom of commerce; coasting trade.          | XI. Protection in case of war.                     |
| III. Most favored nation privileges.              | XII. General liberties.                            |
| IV. Equality of import and export duties.         | XIII. Duration of Articles IV, V, and VI.          |
| V. Shipping dues.                                 | XIV. Neutrality of Honduras Inter-oceanic Railway. |
| VI. Reciprocal treatment of vessels               | XV. Ratification.                                  |
| VII. Protection of property, etc.                 |  |
| VIII. Disposal of property, etc.                  |  |
| IX. Exemptions from military service, loans, etc. |  |

Commercial intercourse having been for some time established between the United States and the Republic of Honduras, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States, and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a treaty of amity, commerce and navigation.

For this purpose, they have named their respective Plenipotentiaries, that is to say:

The President of the United States, Thomas H. Clay, Minister Resident of the United States to the Republic of Honduras;

And his Excellency, the President of the Republic of Honduras, Señor Licenciado Don Manuel Colindres, Minister of Foreign Relations of that Republic;

Who after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

### ARTICLE I.

There shall be perpetual amity between the United States and their citizens on the one part and the Government of the Republic of Honduras and its citizens on the other.

## ARTICLE II.

There shall be, between all the territories of the United States and the territories of the Republic of Honduras, a reciprocal freedom of commerce. The subjects and citizens of the two countries respectively shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation respectively, shall enjoy the most complete protection and security for their commerce; subject, always to the laws and statutes of the two countries respectively.

In like manner, the respective ships of war and post office packets of the two countries shall have liberty, freely and securely, to come to all harbors, rivers and places to which other foreign ships of war and packets are, or may be permitted to come, to enter into the same, to anchor and to remain there and refit; subject always to the laws and statutes of the two countries respectively.

By the right of entering the places, ports and rivers mentioned in this Article, the privilege of carrying on the coasting trade is not understood; in which trade national vessels only of the country where the trade is carried on are permitted to engage.

## ARTICLE III.

It being the intention of the two high contracting parties to bind themselves by the preceding Articles, to treat each other on the footing of the most favored nation, it is hereby agreed between them, that any favor, privilege or immunity whatever in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other high contracting party gratuitously, if the concession in favor of that other nation shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been *conditional*.

## ARTICLE IV

No higher nor other duties shall be imposed on the importation into the territories of the United States, of any articles being of the growth, produce, or manufacture of the Republic of Honduras, and no higher nor other duties shall be imposed upon the importation into the territories of the Republic of Honduras of any articles being the growth, produce or manufacture of the territories of the United States than are or shall be payable on the like articles, being the growth, produce or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties, on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the exportation or importation of any articles, the growth, produce, or manufacture of the territories of the

United States or of the Republic of Honduras, to or from the said territories of the United States, or to or from the Republic of Honduras, which shall not extend equally to all other nations.

#### ARTICLE V.

No higher nor other duties or payments on account of tonnage, of light, or harbor dues, of pilotage, of salvage, in case either of damage or shipwreck, or on account of any other local charges, shall be imposed, in any of the ports of the Republic of Honduras, on vessels of the United States, than those payable in the same ports by vessels of Honduras; nor in any of the ports of the United States, on vessels of Honduras, than shall be payable in the same ports on vessels of the United States.

#### ARTICLE VI.

The same duties shall be paid on the importation into the territories of the Republic of Honduras, of any article being of the growth, produce or manufacture of the territories of the United States; whether such importation shall be made in vessels of Honduras or of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Honduras, whether such importation shall be made in United States or in Honduras' vessels.

The same dues shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Honduras of any articles being the growth, produce or manufacture of the territories of the United States whether such exportations shall be made in vessels of Honduras or of the United States; and the same duties shall be paid, and the same bounties and drawbacks, allowed on the exportation of any articles being the growth, produce, or manufacture of the Republic of Honduras, to the territories of the United States, whether such exportation shall be made in United States or in Honduras' vessels.

#### ARTICLE VII.

All merchants, commanders of ships, and others citizens of the United States, shall have full liberty, in all the territories of the Republic of Honduras, to manage their own affairs themselves, or to commit them to the management of whomsoever they please as broker, factor, agent or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by citizens of Honduras, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of Honduras; and absolute freedom in all cases shall be allowed to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Honduras, as they shall see good, observing the laws and established customs of the country.

The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Honduras, under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries respectively, for the prosecution and defense of their just



rights; and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agent of whatever description, whom they may think proper, and they shall enjoy in this respect, the same rights and privileges therein, as native citizens.

#### ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unloading of ships, the safety of the merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties and rights as native citizens, and they shall not be charged in any of these respects, with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting of course to the local laws and regulations of each country respectively.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the Consul-general or Consul of the nation to which the deceased belonged, or the representative of such Consul-general or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

#### ARTICLE IX.

The citizens of the United States residing in the Republic of Honduras, and the citizens of the Republic of Honduras residing in the United States shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions, and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions or taxes greater than those that are paid by native citizens of the contracting parties respectively.

#### ARTICLE X.

It shall be free for each of the two high contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party; but before any consul shall act as such, he shall, in the usual form be approved and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of Consuls, such particular places, as they judge fit to be excepted. The diplomatic agents and consuls of Honduras shall enjoy in the territories of the United States whatever privileges exemptions and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the diplomatic agents and consuls of the United States in the territories of Honduras, shall enjoy according to the strictest reciprocity whatever privileges, exemptions and immunities are or may be granted in the Republic of Honduras to the diplomatic agents and consuls of the most favored nation.

## ARTICLE XI.

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Honduras it is agreed, that if at any time any interruption of friendly intercourse, or any rupture should unfortunately take place between the two high contracting parties, the citizens of either of the two high contracting parties who may be within any of the territories of the other, shall, if residing upon the coast, be allowed six months, and if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they themselves shall select; and even in the event of a rupture, all such citizens of either of the two high contracting parties who are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and of continuing such trade and employment, therein without any manner of interruption, in the full enjoyment of their liberty and property as long as they behave peaceably, and commit no offense against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case debts between individuals, property in public funds, and shares of companies, shall never be confiscated sequestered nor detained.

## ARTICLE XII

The citizens of the United States and the citizens of the Republic of Honduras respectively residing in any of the territories of the other party, shall enjoy in their houses persons and properties, the protection of the government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, either within their own private houses or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws and customs of the country. Liberty shall also be granted to bury the citizens of either of the two high contracting parties, who may die in the territories aforesaid in burial places of their own, which in the same manner, may be freely established and maintained, nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

## ARTICLE XIII.

In order that the two high contracting parties may have the opportunity of hereafter treating and agreeing upon such other arrangements, as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed, that at any time after the expiration of seven years from the date of exchange of the ratifications of the present treaty, either of the high contracting parties shall have the right of

giving to the other party notice of its intention to terminate Articles IV, V, and VI of the present treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles and all the stipulations contained therein shall cease to be binding on the two high contracting parties.

#### ARTICLE XIV

Inasmuch as a contract was entered into by the Government of Honduras and a company entitled the "Honduras Inter-oceanic Railway Company", for the construction of a Railway from the Atlantic to the Pacific oceans, through the territories of Honduras, which contract was ratified by the Constitutional Powers of the State, and proclaimed as a law on the 28<sup>th</sup> April 1854; and inasmuch, by the terms of Article 5 section VI of said contract "the Government of Honduras, with the view to secure the route herein contemplated from all interruption and disturbance from any cause, or under any circumstances engages to open negotiations with the various governments with which it may have relations, for their separate recognition of the perpetual neutrality, and for the protection of the aforesaid route:" therefore to carry out the obligations thus incurred;

1 The Government of Honduras agrees that the right of way on or transit over such route or road, or any other that may be constructed within its territories, from sea to sea, shall be at all times open and free to the Government and citizens of the United States, for all lawful purposes whatever. No tolls, duties or charges of any kind shall be imposed by the Government of Honduras on the transit of property belonging to the Government of the United States, or on the public mails sent under authority of the same, nor on the citizens of the United States. And all lawful produce, manufactures, merchandise or other property belonging to the citizens of the United States passing from one ocean to the other, in either direction, shall be subject to no import or export duties whatever, nor to any discriminating tolls or charges for conveyance or transit, on any such route or road as aforesaid, and shall be secure and protected from all interruption or detention on the part of the State. The Republic of Honduras further agrees that any other privilege or advantage commercial or other, which is or may be granted to the subjects or citizens of any other country, in regard to such route or road as aforesaid, shall also, and at the same time be extended to citizens of the United States; and finally as an evidence of its disposition to accord to the travel and commerce of the world, all the advantages resulting from its position in respect to the two great oceans, Honduras of her own good will engages to establish the Ports at the extremities of the contemplated road as Freeports, for all the purposes of commerce and trade

2<sup>o</sup> In consideration of these concessions, in order to secure the construction and permanence of the route or road herein contemplated, and also to secure for the benefit of mankind the uninterrupted advantages of such communication from sea to sea, the United States recognizes the rights of Sovereignty and property of Honduras in and over the line of said road, and for the same reason guarantees positively and efficaciously the entire neutrality of the same, so long as the United States shall enjoy the privileges conceded to it in the preceding section of this article. And when the proposed road shall have been completed, the United States equally engages in conjunction

with Honduras to protect the same from interruption seizure or unjust confiscation from whatsoever quarter the attempt may proceed.

3 Nevertheless the United States in according its protection to the said route or road and guaranteeing its neutrality when completed, always understand that this protection and guarantee are granted conditionally and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this article, either by making unfair discriminations in favor of the commerce of any nation or nations over the commerce of any other nation or nations, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not however be withdrawn by the United States without first giving six months' notice to the Republic of Honduras.

#### ARTICLE XV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Comayagua within the space of one year, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done at Comayagua this fourth day of July, in the year of our Lord, one thousand eight hundred and sixty four.

THOS. H. CLAY. [SEAL.]  
M. COLINDRES. [SEAL.]

# ITALY.

1868.

## CONSULAR CONVENTION.

*Concluded February 8, 1868; ratification advised by the Senate June 17, 1868; ratified by the President June 22, 1868; ratifications exchanged September 17, 1868; proclaimed February 23, 1869. (Treaties and Conventions, 1889, p. 573.)*

This convention, consisting of seventeen articles, was superseded by the Convention of 1878 upon the exchange of ratifications September 17, 1878. (See page 317.)

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1868.

## EXTRADITION CONVENTION.

*Concluded March 23, 1868; ratification advised with an amendment by the Senate June 17, 1868, ratified by the President June 22, 1868; ratifications exchanged September 17, 1868; proclaimed September 30, 1868. (Treaties and Conventions, 1889, p. 578.)*

### ARTICLES.

I. Delivery of accused.  
II. Extraditable crimes.  
III. Political offenses.  
IV. Persons under arrest.

V. Procedure.  
VI. Expenses.  
VII. Duration; ratification.

The United States of America, and His Majesty the King of Italy, having judged it expedient, with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States, William H. Seward, Secretary of State. His Majesty the King of Italy, the Commander Marcello Cerruti, Envoy Extraordinary and Minister Plenipotentiary who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

### ARTICLE I

The Government of the United States, and the Government of Italy mutually agree to deliver up persons who, having been convicted of, or charged with, the crimes specified in the following article, committed within the jurisdiction of one of the contracting Parties, shall

seek an asylum, or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found would justify his or her apprehension, and commitment for trial, if the crime had been there committed.

#### ARTICLE II<sup>1</sup>

Persons shall be delivered up, who shall have been convicted of, or be charged according to the provisions of this Convention, with any of the following crimes:

I Murder, comprehending the crimes designated in the Italian penal code, by the terms of parricide, assassination, poisoning and infanticide.

II. The attempt to commit murder.

III. The crimes of rape, arson, piracy and mutiny on board a ship, whenever the crew or part thereof by fraud or violence against the commander, have taken possession of the vessel.

IV. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony, and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another, goods or money, by violence or putting him in fear.

V. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign or Government acts.

VI. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank notes and obligations, and in general of any title and instrument of credit whatsoever, the counterfeiting of seals, dies, stamps and marks of state and public administrations and the utterance thereof.

VII. The embezzlement of public moneys committed within the jurisdiction of either party, by public officers or depositors.

VIII Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.<sup>2</sup>

#### ARTICLE III

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime committed previously to that for which his or their surrender is asked.

#### ARTICLE IV

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred, until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

#### ARTICLE V

Requisitions for the surrender of fugitives from justice shall be made by the respective Diplomatic agents of the contracting Parties, or in the event of the absence of these from the country, or its seat of

<sup>1</sup>See Convention of 1884, p. 324.

<sup>2</sup>See Convention of 1869, p. 309.



Government, they may be made by superior Consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the Court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the Judge by the proper Executive authority, and of the latter by the Minister or Consul of the United States or of Italy respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper Executive authority in Italy, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided, that, according to law and the evidence the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.<sup>1</sup>

#### ARTICLE VI

The expenses of the arrest, detention and transportation of the persons claimed, shall be paid by the Government in whose name the requisition shall have been made.

#### ARTICLE VII

This Convention shall continue in force during five (5) years from the day of exchange of ratifications, but if neither party shall have given to the other six (6) months previous notice of its intention to terminate the same, the Convention shall remain in force five years longer and so on.

The present Convention shall be ratified, and the ratifications exchanged at Washington, within six (6) months, and sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at Washington the Twenty third day of March A. D. one thousand eight hundred and sixty eight, and of the Independence of the United States the ninety second.

[SEAL.]  
[SEAL.]

WILLIAM H. SEWARD.  
M. CERRUTI.

1869.

#### CONSULAR CONVENTION.

*Concluded January 21, 1869; ratification advised by the Senate February 16, 1869; ratified by the President February 24, 1869; ratifications exchanged May 7, 1869; proclaimed May 11, 1869. (Treaties and Conventions, 1889, p. 577.)*

This was an article extending the time for the exchange of the ratifications of the Consular Convention of 1868.

<sup>1</sup> See Convention of 1884, p. 324.

1869.

## CONVENTION ADDITIONAL TO EXTRADITION CONVENTION, 1868.

*Concluded January 21, 1869; ratification advised by the Senate February 16, 1869; ratified by the President February 23, 1869; ratification exchanged May 7, 1869; proclaimed May 11, 1869. (Treaties and Conventions, 1889, p. 580.)*

ADDITIONAL ARTICLE RELATING TO THE CRIME OF EMBEZZLEMENT.<sup>1</sup>

It is agreed that the concluding paragraph of the second Article of the Convention aforesaid shall be so amended as to read as follows:

8. Embezzlement by any person or persons hired or salaried, to the detriment of their employers when these crimes are subject to infamous punishment according to the laws of the United States, and criminal punishment according to the laws of Italy.

In witness whereof the respective Plenipotentiaries have signed the present Article in duplicate and have affixed thereto the seal of their arms.

Done at Washington the 21<sup>st</sup> day of January, 1869,

WILLIAM H. SEWARD. [SEAL.]  
M. CERRUTI. [SEAL.]

1871.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded February 26, 1871; ratification advised by the Senate April 15, 1871; ratified by the President April 29, 1871; ratifications exchanged November 18, 1871; proclaimed November 23, 1871. (Treaties and Conventions, 1889, p. 581.)*

## ARTICLES.

- |   |  |
|---|--|
| I. Freedom of commerce and navigation.          | XIII. Blockade.                                  |
| II. Liberty to trade and travel.                | XIV. Regulation of blockades.                    |
| III. Rights of person and property: exemptions. | XV. Contraband articles.                         |
| IV. Embargo.                                    | XVI. Rights of neutrals; free ships, free goods. |
| V. No shipping discriminations.                 | XVII. Proof of nationality of vessels.           |
| VI. No discriminations of imports and exports.  | XVIII. Right of search.                          |
| VII. Shipping privileges.                       | XIX. Vessels under convoy.                       |
| VIII. Exemptions from shipping dues, etc.       | XX. Conduct of commanders of war vessels.        |
| IX. Shipwrecks.                                 | XXI. Protection in case of war.                  |
| X. Completing crews.                            | XXII. Disposal of property.                      |
| XI. Piratical captures.                         | XXIII. Legal rights.                             |
| XII. Exemptions in war.                         | XXIV. Most favored nation privileges.            |
|   | XXV. Duration.                                   |
|   | XXVI. Ratification.                              |

The United States of America and His Majesty the King of Italy, desiring to extend and facilitate the relations of commerce and navigation

<sup>1</sup> See Article II, p. 307.

Federal case: *Cantini v. Tillman*, 54 Fed. Rep., 969.

between the two countries, have determined to conclude a treaty for that purpose and have named as their respective plenipotentiaries:

The United States of America, George Perkins Marsh, their Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Italy;

And His Majesty the King of Italy, the Noble Emilio Visconti Venosta, Grand Cordon of his Orders of the Saints Maurice and Lazarus, and of the Crown of Italy, Deputy in Parliament, and his Minister Secretary of State for Foreign Affairs.

And the said plenipotentiaries, having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

#### ARTICLE I.

There shall be between the territories of the High Contracting Parties a reciprocal liberty of Commerce and Navigation.

Italian citizens in the United States, and citizens of the United States in Italy, shall mutually have liberty to enter with their ships and cargoes all the ports of the United States and of Italy respectively, which may be open to foreign commerce.

They shall also have liberty to sojourn and reside in all parts whatever of said territories. They shall enjoy respectively, within the states and possessions of each party, the same rights, privileges, favors, immunities and exemptions for their commerce and navigation as the natives of the country wherein they reside, without paying other or higher duties or charges than are paid by the natives, on condition of their submitting to the laws and ordinances there prevailing.

War vessels of the two Powers shall receive, in their respective ports, the treatment of those of the most favored nation.

#### ARTICLE II.

The citizens of each of the high contracting parties shall have liberty to travel in the states and territories of the other, to carry on trade, wholesale and retail, to hire and occupy houses and warehouses, to employ agents of their choice, and generally to do anything incident to or necessary for trade upon the same terms as the natives of the country, submitting themselves to the laws there established.

#### ARTICLE III.

The citizens of each of the high contracting parties shall receive, in the states and territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives, on their submitting themselves to the conditions imposed upon the natives.

They shall, however, be exempt in their respective territories, from compulsory military service either on land or sea, in the regular forces, or in the national guard, or in the militia.

They shall likewise be exempt from any judicial or municipal office, and from any contribution whatever in kind or in money, to be levied in compensation for personal services.

## ARTICLE IV.

The citizens of neither of the contracting parties shall be liable, in the states or territories of the other, to any embargo nor shall they be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatsoever, without allowing to those interested a sufficient indemnification, previously agreed upon when possible.

## ARTICLE V.

The high contracting parties agree, that whatever kind of produce, manufactures or merchandize of any foreign country can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in Italian vessels; that no other or higher duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and in like manner, that whatsoever kind of produce, manufactures or merchandize of any foreign country can be from time to time lawfully imported into Italy, in its own vessels, may be also imported in vessels of the United States, and that no higher or other duties upon the tonnage of the vessel or her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and they further agree that whatever may be lawfully exported and re-exported from the one country, in its own vessels, to any foreign country, may in the like manner be exported or re-exported in the vessels of the other country, and the same bounties, duties and drawbacks shall be allowed and collected whether such exportation or re-exportation be made in vessels of the United States or of Italy.

## ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles, the produce or manufactures of Italy, and no higher or other duties shall be imposed on the importation into Italy of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles, being the produce or the manufactures of any other foreign country; nor shall any other or higher duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States or to Italy respectively, than such as are payable on the exportation of the like articles to any foreign country, nor shall any prohibition be imposed on the importation or the exportation of any articles, the produce or manufactures of the United States or of Italy, to or from the territories of the United States, or to or from the territories of Italy, which shall not equally extend to all other nations.

## ARTICLE VII.

Vessels of the United States arriving at a port of Italy, and reciprocally vessels of Italy arriving at a port of the United States, may proceed to any other port of the same country, and may there discharge such part of their original cargoes as may not have been discharged at the port where they first arrived; it is however understood

and agreed, that nothing contained in this article shall apply to the coast-wise navigation, which each of the two contracting parties reserves exclusively to itself.

#### ARTICLE VIII.

The following shall be exempt from paying tonnage, anchorage and clearance duties in the respective ports:

1<sup>st</sup>. Vessels entering in ballast; and leaving again in ballast, from whatever port they may come.

2. Vessels passing from a port of either of the two states into one or more ports of the same state, therein to discharge a part or all of their cargo, or take in or complete their cargo, whenever they shall furnish proof of having already paid the aforesaid duties.

3. Loaded vessels entering a port, either voluntarily or forced from stress of weather, and leaving it without having disposed of the whole or part of their cargoes, or having therein completed their cargoes.

No vessel of the one country which may be compelled to enter a port of the other, shall be regarded as engaging in trade if it merely breaks bulk for repairs, transfers her cargo to another vessel on account of unseaworthiness, purchases stores or sells damaged goods for re-exportation. It is, however, understood that all portions of such damaged goods destined to be sold for internal consumption shall be liable to the payment of custom duties.

#### ARTICLE IX.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage, on the coasts or within the dominions of the other, there shall be given to it all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandize and effects, and to reload the same, or part thereof, paying no duties whatsoever but such as shall be due upon the articles left for consumption.

#### ARTICLE X.

Vessels of either of the contracting parties shall have liberty, within the territories and dominions of the other, to complete their crew, in order to continue their voyage, with sailors articulated in the country, provided they submit to the local regulations, and their enrolment be voluntary.

#### ARTICLE XI.

All ships, merchandize and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction, or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim should be made within the term of one year by the parties themselves, their attorneys or agents of the respective Governments.

## ARTICLE XII.

The high contracting parties agree that in the unfortunate event of a war between them, the private property of their respective citizens and subjects with the exception of contraband of war, shall be exempt from capture or seizure on the high seas or elsewhere, by the armed vessels or by the military forces of either party; it being understood that this exemption shall not extend to vessels and their cargoes, which may attempt to enter a port blockaded by the naval forces of either party.

## ARTICLE XIII.

The high contracting parties having agreed that a state of war between one of them and a third Power shall not, except in the cases of blockade, and contraband of war, affect the neutral commerce of the other, and being desirous of removing every uncertainty which may hitherto have, arisen respecting that which upon principles of fairness and justice ought to constitute a legal blockade, they hereby expressly declare, that such places only shall be considered blockaded as shall be actually invested by naval forces capable of preventing the entry of neutrals, and so stationed as to create an evident danger on their part to attempt it.

## ARTICLE XIV.

And whereas it frequently happens that vessels sail for a port or a place belonging to an enemy, without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband of war, be confiscated, unless, after a warning of such blockade or investment from an officer commanding a vessel of the blockading forces, by an endorsement of such officer on the papers of the vessel mentioning the date, and the latitude and longitude where such endorsement was made, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either that may have entered into such a port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel, having thus entered any port before the blockade took place, she shall take on board a cargo after the blockade be established, she shall be subject to being warned by the blockading forces to return to the port blockaded, and discharge the said cargo, and if after receiving the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port, after being warned off by the blockading forces.

## ARTICLE XV.

The liberty of navigation and commerce secured to neutrals by the stipulations of this Treaty shall extend to all kinds or merchandize excepting those only which are distinguished by the name of contraband of war. And, in order to remove all causes of doubt and mis-



understanding upon this subject, the contracting parties expressly agree and declare that the following articles and no others shall be considered as comprehended under this denomination;

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabers, lances, spears, halberds, bombs, grenades, powder, matches, balls, and all other things belonging to and expressly manufactured for the use of these arms.

2. Infantry belts, implements of war, and defensive weapons, clothes cut or made up in a military form, and for a military use.

3. Cavalry belts, war saddles and holsters.

4. And generally all kinds of arms and instruments of iron, steel, brass, and copper or of any other materials, manufactured, prepared and formed expressly to make war by sea or land.

#### ARTICLE XVI.

It shall be lawful for the citizens of the United States, and for the subjects of the Kingdom of Italy, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandize laden thereon, from any port, to the places of those who now are, or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandize before mentioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt from capture which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of the other, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board of a free ship; and they shall not be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy. Provided however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

#### ARTICLE XVII.

All vessels sailing under the flag of the United States, and furnished with such papers as their laws require, shall be regarded in Italy as vessels of the United States, and reciprocally, all vessels sailing under the flag of Italy and furnished with the papers which the laws of Italy require, shall be regarded in the United States as Italian vessels.

## ARTICLE XVIII.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that, whenever a vessel of war shall meet with a vessel not of war of the other contracting party, the first shall remain at a convenient distance, and may send its boat with two or three men only, in order to execute the said examination of the papers, concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill treatment, and it is expressly agreed that the unarmed party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

## ARTICLE XIX.

It is agreed that the stipulations contained in the present Treaty relative to the visiting and examining of a vessel, shall apply only to those which sail without a convoy; and when said vessels shall be under convoy the verbal declaration of the Commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

## ARTICLE XX.

In order effectually to provide for the security of the citizens and subjects of the contracting parties, it is agreed between them that all Commanders of ships of war of each party respectively, shall be strictly enjoined to forbear from doing any damage to, or committing any outrage against, the citizens or subjects of the other, or against their vessels or property; and if the said Commanders shall act contrary to this stipulation, they shall be severely punished, and made answerable in their persons and estates for the satisfaction and reparation of said damages, of whatever nature they may be.

## ARTICLE XXI.

If by any fatality which cannot be expected, and which may God avert, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please with the safe conduct necessary to protect them and their property, until they arrive at the ports designated for their embarkation. And all women and children scholars of every faculty, cultivators of the earth, artisans, mechanics, manufacturers and fishermen, unarmed and inhabiting the unfortified towns, villages or places, and, in general, all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the belligerent, in whose power, by the events of war, they may happen to fall; but if it be necessary that anything should be taken from them for the use of such belligerent, the same shall be paid for at a reasonable price.

And it is declared that neither the pretence that war dissolves treaties, nor any other whatever, shall be considered as annulling or suspending this article; but on the contrary, that the state of war is precisely that for which it is provided, and during which its provisions are to be sacredly observed, as the most acknowledged obligations in the law of nations.

#### ARTICLE XXII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament or otherwise, and their representatives, being citizens of the other party, shall succeed to their personal goods, whether by testament or *ab intestato*, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein such goods are shall be subject to pay in like cases.

As for the case of real estate, the citizens and subjects of the two contracting parties shall be treated on the footing of the most favored nation.

#### ARTICLE XXIII.

The citizens of either party shall have free access to the Courts of Justice, in order to maintain and defend their own rights, without any other conditions, restrictions, or taxes than such as are imposed upon the natives; they shall, therefore, be free to employ, in defense of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their trials at law, and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the Tribunals in all cases which may concern them; and likewise at the taking of all examinations and evidences which may be exhibited in the said trials.

#### ARTICLE XXIV.

The United States of America and the Kingdom of Italy mutually engage not to grant any particular favor to other nations, in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional.

#### ARTICLE XXV.

The present Treaty shall continue in force for five (5) years from the day of the exchange of the ratifications, and, if twelve (12) months before the expiration of that period, neither of the high contracting parties, shall have announced to the other, by an official notification, its intention to terminate the said Treaty, it shall remain obligatory on both parties one (1) year beyond that time; and so on until the expiration of the twelve (12) months which will follow a similar notification, whatever may be the time when such notification shall be given.

## ARTICLE XXVI.

The present Treaty shall be approved and ratified by His Majesty the King of Italy, and by the President of the United States by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington within twelve months from the date hereof or sooner if possible.

In faith whereof the plenipotentiaries of the contracting parties have signed the present treaty in duplicate, in the English and Italian languages, and thereto affixed their respective seals.

Done at Florence this twenty sixth day of February, in the year of our Lord one thousand eight hundred and seventy one.

GEORGE P. MARSH. [SEAL.]  
VISCONTI VENOSTA. [SEAL.]

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1878.

## CONSULAR CONVENTION.

*Concluded May 8, 1878; ratification advised by the Senate May 28, 1878; ratified by the President June 4, 1878; ratifications exchanged September 18, 1878; proclaimed September 27, 1878. (Treaties and Conventions, 1889, p. 538.)*

## ARTICLES.

- |                                  |   |
|----------------------------------|---|
| I. Consular recognition.         | XI. Shipping disputes.                                    |
| II. Exequaturs.                  | XII. Disputes between passengers and officers of vessels. |
| III. Exemptions.                 | XIII. Deserters from ships.                               |
| IV. Status in legal proceedings. | XIV. Damages at sea.                                      |
| V. Arms and flags.               | XV. Shipwrecks.   |
| VI. Archives.                    | XVI. Death of citizens.                                   |
| VII. Vacancies.                  | XVII. Most favored nation privileges.                     |
| VIII. Vice-consuls and agents.   | XVIII. Duration; ratification.                            |
| IX. Dealings with officials.     |   |
| X. General powers.               |   |

The President of the United States and His Majesty the King of Italy, recognizing the utility of defining the rights, privileges and immunities of consular officers in the two countries, have determined to conclude a consular convention for that purpose, and accordingly, have named:

The President of the United States, William M. Evarts, Secretary of State of the United States: His Majesty the King of Italy, Baron Alberto Blanc, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

## ARTICLE I.

Each of the high contracting parties pledges itself to admit the Consuls General, Consuls, Vice-Consuls and Consular Agents of the other, in all its ports, places and cities, with the exception of those in which it may not be deemed proper to recognize such functionaries.

This reservation, however, shall not be applied to one of the high contracting parties without being applied in like manner to all the other Powers.

## ARTICLE II.

Consular officers shall receive, after presenting their commissions, and according to the formalities established in the respective countries, the *exequatur* required for the exercise of their functions, which shall be furnished to them free of cost; and on presentation of this document, they shall be admitted by all the authorities of their place of residence, to the enjoyment of the rights, prerogatives and immunities granted them by this Convention.

## ARTICLE III

Consular officers, citizens of the State by which they were appointed, shall be exempt from arrest or imprisonment in civil cases and from preliminary arrest in penal cases, except in the case of offences which the local law qualifies as crimes and punishes as such; and they shall be exempt from military billettings and from the performance of service in the army, in the militia, or national guard, and in the navy.

The aforesaid consular officers shall be exempt from all national, state or municipal taxes, imposed upon persons either in the nature of capitation tax or in respect to their property unless such taxes become due on account of the possession of real estate or for interest on capital invested in the state in which they reside. If they are engaged in trade, manufactures or commerce, they shall not enjoy such exemption, but shall be obliged to pay the same taxes as are paid by other foreigners under similar circumstances.

## ARTICLE IV.

Consular officers, citizens of the State which appointed them, and who are not engaged in trade, professional business or any kind of manufactures, shall not be obliged to appear as witnesses before the Courts of the Country in which they reside. If their testimony should be necessary, they shall be requested in writing to appear in Court, and in case of impediment their written deposition shall be requested, or it shall be received *viva voce* at their residence or office.

It shall be the duty of the aforementioned consular officers to comply with such request without unnecessary delay.

In all the criminal cases contemplated by the VI<sup>th</sup> Article of the amendments of the Constitution of the United States, by virtue of which the right is guaranteed to persons charged with crimes, of obtaining witnesses in their favor, Consular officers shall be required to appear, all possible regard being paid to their dignity and to the duties of their office.

Consuls of the United States in Italy shall receive the same treatment in similar cases.

## ARTICLE V.

Consuls General, Consuls, Vice-Consuls and Consular Agents may place over the outer door of their office, the arms of their nation with this inscription: *Consulate* or *Vice-Consulate* or *Consular Agency of the United States* or of *Italy*.

They may also hoist the flag of their country, over the house in which the consular office is, provided they do not reside in the capital *in which the Legation* of their country is established.



## ARTICLE VI.

The Consular offices shall be at all times inviolable. The local authorities shall not be allowed to enter them under any pretext, nor shall they in any case examine or sequester the papers therein deposited. These offices, however, shall never serve as places of asylum.

When the Consular officer is engaged in trade, professional business, or manufactures, the papers relating to the business of the Consulate must be kept separate.

## ARTICLE VII.

In case of death, incapacity or absence of the Consuls General, Consuls, Vice-Consuls and Consular Agents, their Chancellors and Secretaries, whose official character shall have been previously announced to the Department of State at Washington, or to the Ministry of Foreign Affairs in Italy, shall be permitted to discharge their functions *ad interim*, and they shall enjoy, while thus acting, the same rights, prerogatives and immunities as the officers whose places they fill, on the condition and with the reserves prescribed for those offices.

## ARTICLE VIII.

Vice-Consuls or Consular Agents may be appointed by the respective governments or by the Consuls General or Consuls, with the approval of said governments in the cities, ports, and places of each Consular district. These Agents may be selected from the citizens of the United States or from Italian citizens or other foreigners, and they shall be furnished with a commission by the government or by the Consul appointing them, under whose orders they are to discharge their functions.

They shall enjoy the privileges provided in this Convention for consular officers, subject to the exceptions and reservations provided for the same.

## ARTICLE IX.

Consuls General, Consuls, Vice-Consuls and Consular Agents may have recourse to the authorities of the respective countries within their district, whether federal or local, judicial or executive, for the purpose of complaining of any infraction of the treaties or conventions existing between the United States and Italy, as also in order to defend the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the Consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they reside.

## ARTICLE X.

Consuls General, Consuls, Vice-Consuls, and Consular Agents, and their Chancellors or Consular Clerks, shall have the right to take in their offices, at the residence of the parties, in their own dwelling and even on board ship, the depositions of captains and crews of the vessels of their nation, of passengers on board of the same, and of any other citizen or subject of their country.



They shall also have the right to receive at their offices, conformably to the laws and regulations of their country, any contract between citizens or subjects and other inhabitants of the country in which they reside, and also any contract between these latter, provided it relates to real estate situated in the territory of the nation to which the consular officer belongs, or to business which is to be transacted in said country.

Copies of papers relative to such contracts and official documents of all kinds, whether originals, copies or translations, duly authenticated, by the Consuls General, Consuls, Vice-Consuls and Consular Agents, and sealed with the seal of office of the Consulate, shall be received as evidence in the United States and Italy.

#### ARTICLE XI.

[Abrogated and Article I, Convention of 1881, p. 322, substituted in its place.]

#### ARTICLE XII.

According to the Act of Congress of March 5, 1855, *to regulate the carriage of passengers in steamships and other vessels*,<sup>1</sup> all disputes and questions of any nature that may arise between Captains and officers on the one hand, and passengers on board of vessels on the other, shall be brought to and decided by the Circuit or district courts of the United States to the exclusion of all other courts and authorities.

#### ARTICLE XIII

The respective Consuls General, Consuls, Vice-Consuls and Consular Agents, may arrest the officers, seamen and any other person forming part of the crew of the merchant and war vessels of their nation, who have been guilty of or charged with deserting from said vessels, in order to return them to their vessels, or to send them back to their country.

To this effect the consular officers of Italy in the United States, may apply in writing, to either the Courts or the Federal, State or Municipal authorities of the United States, and the consular officers of the United States may apply to any of the competent authorities in Italy, and make a demand for the deserters, showing by exhibiting the register of the vessel and the crew-list, or other official documents, that the persons claimed really belonged to said crew. Upon such request, alone, thus supported, and without the exaction of any oath from the Consular officers, the deserters, not being citizens or subjects of the country in which the demand is made, at the time of their shipment, shall be given up.

All assistance and necessary aid moreover, shall be furnished for the search and arrest of said deserters, who shall be placed in the prisons of the country, and kept there at the request and at the expense of the consular officer, until he finds an opportunity to send them home.

If, however, such an opportunity shall not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again imprisoned for the same cause.

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<sup>1</sup> U. S. Stats. Vol. 10, p. 715 (act of March 3, 1855).

## ARTICLE XIV.

In the absence of an agreement to the contrary, between the owners, freighters and insurers, all damages suffered at sea, by the vessels of the two countries whether they enter the respective ports voluntarily, or are forced by stress of weather or other causes over which the officers have no control, shall be settled by the Consuls General, Consuls, Vice Consuls and Consular Agents of the country in which they respectively reside; in case, however, any citizen of the country in which said consular officers reside, or subjects of a third power, should be interested in these damages, and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

## ARTICLE XV.

All operations relative to the salvage of United States vessels wrecked upon the coasts of Italy, and of Italian vessels upon the coasts of the United States, shall be directed by the respective Consuls General, Consuls and Vice Consuls of the two countries, and until their arrival, by the respective Consular Agents, where Consular Agencies exist.

In places and ports where there is no such agency, the local authorities shall give immediate notice of the shipwreck to the Consul of the district in which the disaster has taken place, and until the arrival of the said Consul, they shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall intervene only to preserve order, and to protect the interests of the salvors, if they do not belong to the crew of the wrecked vessel, and to secure the execution of the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country in which the wreck took place.

## ARTICLE XVI.

In case of the death of a citizen of the United States in Italy, or of an Italian citizen in the United States, who has no known heir, or testamentary executor designated by him, the competent local authorities shall give notice of the fact to the Consuls or Consular Agents of the nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

## ARTICLE XVII.

The respective Consuls General, Consuls, Vice Consuls and Consular Agents, as likewise the Consular Chancellors, Secretaries, Clerks or attachés, shall enjoy in both countries, all the rights, prerogatives, immunities and privileges which are or may hereafter be granted to the officers of the same grade, of the most favored nation.

## ARTICLE XVIII.

This Convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall take place in conformity with the respective constitutions of the two countries, at Washington or at Rome, within the period of six months, or sooner, if possible.

In case neither party gives notice twelve months previously to the expiration of said period of ten years, of its intention not to renew the Convention, this shall remain in force until the expiration of a year from the day on which one of the parties shall have made such announcement.

In faith whereof, the respective Plenipotentiaries have signed this Convention, and have thereunto affixed their seals.

Done at Washington the Eighth day of May, Anno Domini, one thousand eight hundred and seventy-eight.

WILLIAM MAXWELL EVARTS. [SEAL.]  
A. BLANC. [SEAL.]

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1881.

#### CONVENTION SUPPLEMENTAL TO CONSULAR CONVENTION, 1878.

*Concluded February 24, 1881; ratification advised by the Senate May 5, 1881; ratified by the President May 10, 1881; ratifications exchanged June 18, 1881; proclaimed June 29, 1881. (Treaties and Conventions, 1889, p. 593.)*

#### ARTICLES.

- |  |                              |
|--|------------------------------|
| I. Shipping disputes; substitute for Article XI. | II. Ratification and effect. |
|--|------------------------------|

Whereas question has arisen at divers times between the government of the United States of America and the government of His Majesty the King of Italy, touching the interpretation of the eleventh article of the Convention between the two countries, concerning the rights, privileges and immunities of Consular officers, signed at Washington on the eighth day of May, one thousand eight hundred and seventy-eight, and especially with respect to so much of said article as defines and limits the jurisdiction of the authorities of the country and of the Consular officers, with regard to offenses and disturbances on shipboard, while in port; and whereas the high contracting parties, have deemed it expedient to remove for the future all ground of question in the premises, by substituting a new article in place of the said eleventh article of that Convention; the United States of America and His Majesty the King of Italy, have resolved to conclude a special supplementary Convention to that end and have appointed as their Plenipotentiaries:

The President of the United States: William Maxwell Evarts, Secretary of State of the United States, and His Majesty the King of Italy, Paul Beccadelli Bologna Prince of Camporeale, his Chargé d'Affaires in the United States of America;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I.

The eleventh article of the Consular Convention of May 8, 1878, between the United States of America and Italy, is hereby annulled, and in its place the following article is substituted, namely:<sup>1</sup>

Consuls General, Consuls, vice-Consuls and Consular agents shall have exclusive charge of the internal order of the merchant vessels

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<sup>1</sup> See Article XI, p. 320.

of their nation and shall alone take cognizance of differences which may arise either at sea or in port between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. In case any disorder should happen on board of vessels of either party, in the territorial waters of the other, neither the Federal, State or Municipal Authorities or Courts in the United States nor any Court or Authority in Italy, shall on any pretext interfere except when the said disorders are of such a nature as to cause or be likely to cause a breach of the peace or serious trouble in the port or on shore; or when, in such trouble or breach of the peace, a person or persons shall be implicated, not forming a part of the crew. In any other case, said Federal, State or Municipal Authorities or Courts in the United States, or Courts or Authority in Italy, shall not interfere but shall render forcible aid to Consular officers, when they may ask it, to search, arrest and imprison all persons composing the crew, whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls addressed in writing to either the Federal, State or Municipal Courts or Authorities in the United States, or to any Court or Authority in Italy, and supported by an official extract from the register of the ship or the list of the crew, and the prisoners shall be held during the whole time of their stay, in the port at the disposal of the Consular officers. Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons, shall be paid by the Consular officers.

## ARTICLE II.

This supplementary Convention shall be ratified in conformity with the laws of the respective countries, and the ratifications thereof shall be exchanged at Washington, as soon as possible after the date hereof, and immediately upon such exchange, the foregoing form of the said article XI shall become effective and have the same force as the other articles of the Convention of the eighth day of May of the year 1878 and the same duration.

In faith whereof, the respective Plenipotentiaries have signed this Convention and have thereunto affixed their seals.

Done in duplicate at Washington, the twenty-fourth day of February Anno Domini, one thousand eight hundred and eighty-one.

WILLIAM MAXWELL EVARTS. [SEAL.]  
CAMPOREALE. [SEAL.]

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1882.

## TRADE-MARK DECLARATION.

*Signed June 1, 1882; ratification advised by the Senate February 25, 1884; proclaimed March 19, 1884. (Treaties and Conventions, 1889, p. 595.)*

The Government of the United States of America and the Government of His Majesty the King of Italy, wishing to provide for the reciprocal protection of the marks of manufacture and trade, have agreed as follows:

The citizens of each of the high contracting parties shall enjoy, in the dominions and possessions of the other the same rights as belong

to native citizens, or as are now granted or may hereafter be granted to the subjects or citizens of the most favored nation, in everything relating to property in trade-marks and trade-labels.

It is understood that any person who desires to obtain the aforesaid protection must fulfill the formalities required by the laws of the respective countries.

In witness whereof the undersigned, having been duly authorized to this effect, have signed the present declaration, and have affixed thereto the seal of their arms.

Done in duplicate original at Washington, this first day of June, one thousand eight hundred and eighty-two.

FRED<sup>k</sup> T. FRELINGHUYSEN. [SEAL.]  
FAVA. [SEAL.]

[NOTE.—As the act of Congress, entitled “An act to authorize the registration of trade-marks and protect the same.” approved March 3, 1881 (U. S. Stats., Vol. 21, p. 502), gives the right of trade-mark registry to subjects of any foreign country which by law admits the like right for citizens of the United States, this Declaration is held to be an establishment of the fact that such reciprocal privilege exists, and is therefore effective from June 1, 1882, the date of its signature.]

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1884.

#### CONVENTION ADDITIONAL TO EXTRADITION CONVENTION, 1868.<sup>1</sup>

*Concluded June 11, 1884; ratification advised by the Senate July 5, 1884; ratified by the President April 10, 1885; ratifications exchanged April 24, 1885; proclaimed April 24, 1885. (Treaties and Conventions, 1889, p. 595.)*

##### ARTICLES.

- |   |                            |
|---|----------------------------|
| I. Kidnapping added to extraditable crimes. | II. Preliminary detention. |
|   | III. Effect; ratification. |

The President of the United States of America and His Majesty the King of Italy, being convinced of the necessity of adding some stipulations to the extradition convention concluded between the United States and Italy on the 23<sup>d</sup> of March, 1868, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a supplementary convention for this purpose, and have appointed as their Plenipotentiaries, to-wit:

The President of the United States, Frederick T. Frelinghuysen, Secretary of State of the United States;

And His Majesty the King of Italy, Baron Saverio Fava, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after reciprocal communication of their full powers, which were found to be in good and due form, have agreed upon the following articles:

##### ARTICLE I.

The following paragraph is added to the list of crimes on account of which extradition may be granted, as provided in Article II of the aforesaid convention of March 23, 1868:

9. Kidnapping of minors or adults, that is to say, the detention of one or more persons for the purpose of extorting money from them or their families, or for any other unlawful purpose.

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<sup>1</sup> See Convention of 1868, p. 306.

## ARTICLE II.

The following clause shall be inserted after Article V of the aforesaid Convention of March 23, 1868:

Any competent judicial magistrate of either of the two countries shall be authorized after the exhibition of a certificate signed by the Minister of Foreign Affairs [of Italy] or the Secretary of State [of the United States] attesting that a requisition has been made by the Government of the other country to secure the preliminary arrest of a person condemned for or charged with having therein committed a crime for which, pursuant to this convention, extradition may be granted, and on complaint duly made under oath by a person cognizant of the fact, or by a diplomatic or consular officer of the demanding Government, being duly authorized by the latter, and attesting that the aforesaid crime was thus perpetrated, to issue a warrant for the arrest of the person thus inculpated, to the end that he or she may be brought before the said magistrate, so that the evidence of his or her criminality may be heard and considered; and the person thus accused and imprisoned shall from time to time be remanded to prison until a formal demand for his or her extradition shall be made and supported by evidence as above provided; if, however, the requisition together with the documents above provided for, shall not be made, as required, by the diplomatic representative of the demanding Government, or, in his absence, by a consular officer thereof, within forty days from the date of the arrest of the accused, the prisoner shall be set at liberty.

## ARTICLE III.

These supplementary articles shall be considered as an integral part of the aforesaid original extradition convention of March 23, 1868, and together with the additional article of January 21, 1869, as having the same value and force as the convention itself, and as destined to continue and terminate in the same manner.

The present convention shall be ratified, and the ratifications exchanged at Washington as speedily as possible, and it shall take effect immediately after the said exchange of ratifications.

In testimony whereof, the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Washington, this eleventh day of the month of June in the year of our Lord one thousand eight hundred and eighty-four.

FRED<sup>k</sup> T. FRELINGHUYSEN. [SEAL.]  
FAVA. [SEAL.]



# JAPAN.

1854.

## TREATY OF PEACE, AMITY, AND COMMERCE.

*Concluded March 31, 1854; ratification advised by the Senate July 15, 1854; ratified by the President August 7, 1854; ratifications exchanged February 21, 1855; proclaimed June 22, 1855. (Treaties and Conventions, 1889, p. 597.)*

### ARTICLES.

- |  |                                     |
|--|-------------------------------------|
| I. Peace and amity.                            | VI. Business.                       |
| II. Opening of Simoda and Hakodade.            | VII. Trade.                         |
| III. Shipwrecks.                               | VIII. Supplies to vessels.          |
| IV. Treatment of shipwrecked persons.          | IX. Most favored nation privileges. |
| V. Shipwrecked persons at Simoda and Hakodade. | X. Open ports.                      |
|  | XI. Consuls.                        |
|  | XII. Ratification.                  |

(As this treaty has been superseded in part by the Treaty of 1858, only such portions are reprinted as were not definitely referred to in the latter treaty.)

### ARTICLE III.

Whenever Ships of the United States are thrown or wrecked on the Coast of Japan, the Japanese vessels will assist them, and carry their crews to Simoda, or Hakodade, and hand them over to their Countrymen, appointed to receive them; whatever articles the shipwrecked men may have preserved shall likewise be restored, and the expenses incurred in the rescue and support of Americans and Japanese who may thus be thrown upon the shores of either nation are not to be refunded.

### ARTICLE IV.

Those Shipwrecked persons and other Citizens of the United States shall be free as in other Countries, and not subjected to confinement, but shall be amenable to just laws.

### ARTICLE V.

Shipwrecked men and other Citizens of the United States, temporarily living at Simoda and Hakodade, shall not be subject to such restrictions and confinement as the Dutch and Chinese are at Nagasaki, but shall be free at Simoda to go where they please within the limits of Seven Japanese miles (or Ri) from a small Island in the harbor of Simoda, marked on the accompanying chart, hereto appended:—and shall in like manner be free to go where they please at Hakodade, within limits to be defined after the visit of the United States squadron to that place.

1857.

## COMMERCIAL AND CONSULAR TREATY.

*Concluded June 17, 1857; ratification advised by the Senate June 15, 1858; ratified by the President June 30, 1858; proclaimed June 30, 1858. (Treaties and Conventions, 1889, p. 599.)*

This treaty of nine articles was superseded by the Treaty of 1858.

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Federal case: *Ross v. McIntyre*, 140 U. S., 453.

1858.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded July 29, 1858; ratification advised by the Senate December 15, 1858; ratified by the President April 12, 1860; ratifications exchanged May 22, 1860; proclaimed May 23, 1860. (Treaties and Conventions, 1889, p. 601.)*

This treaty will be superseded July 17, 1899, when the Treaty of November 22, 1894 (p. 352), goes into effect.

## ARTICLES.

- |  |   |
|--|---|
| I. Amity; diplomatic and consular officers.        | VIII. Religious freedom.                  |
| II. Mediation and assistance by the United States. | IX. Deserters and fugitives from justice. |
| III. Ports opened; trade regulations.              | X. Purchases of ships, etc., by Japan.    |
| IV. Duties; naval supplies; opium.                 | XI. Trade regulations.                    |
| V. Coins authorized.                               | XII. Revocation of former treaties.       |
| VI. Consular courts, etc.                          | XIII. Duration.                           |
| VII. Limits of open ports.                         | XIV. Effect; ratification.                |

The President of the United States of America, and His Majesty the Ty-coon of Japan, desiring to establish on firm and lasting foundations, the relations of peace and friendship now happily existing between the two Countries, and to secure the best interest of Their respective Citizens and Subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a Treaty of amity and commerce, for this purpose, and have therefore named, as their Plenipotentiaries, that is to say:

The President of the United States, His Excellency Townsend Harris, Consul General of the United States of America, for the Empire of Japan, and His Majesty the Ty-coon of Japan, Their Excellencies Ino-ooye Prince of Sinano and Iwasay Prince of Hego, who, after having communicated to each other their respective Full Powers, and found them to be in good and due form, have agreed upon and concluded the following Articles:

## ARTICLE FIRST

There shall henceforward be, perpetual peace and friendship between the United States of America, and His Majesty the Ty-coon of Japan, and His Successors.

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Federal case: *Ross v. McIntyre*, 140 U. S., 453.

The President of the United States may appoint a Diplomatic Agent to reside at the City of Yedo, and Consuls or Consular Agents to reside at any or all of the Ports in Japan which are opened for American Commerce by this Treaty. The Diplomatic Agent and Consul General of the United States shall have the right to travel freely, in any part of the Empire of Japan from the time they enter on the discharge of their official duties.

The Government of Japan may appoint a Diplomatic Agent to reside at Washington, and Consuls or Consular Agents, for any or all of the ports of the United States. The Diplomatic Agent and Consul General of Japan, may travel freely in any part of the United States from the time they arrive in the country.

#### ARTICLE SECOND.

The President of the United States, at the request of the Japanese Government, will act as a friendly Mediator, in such matters of difference, as may arise between the Government of Japan and any European Power.

The ships of war of the United States shall render friendly aid and assistance, to such Japanese vessels, as they may meet on the high seas, so far as can be done without a breach of neutrality, and all American Consuls, residing at Ports, visited by Japanese vessels shall also give them, such friendly aid as may be permitted by the Laws of the respective Countries, in which they reside.

#### ARTICLE THIRD.

In addition to the Ports of Simoda and Hakodade, the following Ports and Towns shall be opened on the dates respectively appended to them, that is to say:

Kanagawa, on the (4<sup>th</sup> of July 1859) fourth day of July, one thousand, eight hundred and fifty nine.

Nagasaki, on the (4<sup>th</sup> of July 1859) fourth day of July, one thousand eight hundred and fifty nine.

Nee-e-gata, on the (1<sup>st</sup> of January 1860) first day of January, one thousand eight hundred and sixty.

Hiogo, on the (1<sup>st</sup> of January 1863) first day of January, one thousand, eight hundred and sixty three.

If Nee-e-gata is found to be unsuitable as a Harbour, another Port, on the West coast of Nipon, shall be selected by the two Governments, in lieu thereof.

Six months after the opening of Kanagawa, the port of Simoda shall be closed as a place of residence and trade, for American Citizens.

In all the foregoing Ports and Towns, American Citizens may permanently reside, they shall have the right to lease ground, and purchase the buildings thereon, and may erect dwellings and warehouses. But no fortification or place of military strength, shall be erected under pretence of building dwelling or warehouses, and to see that this Article is observed, the Japanese Authorities shall have the right to inspect from time to time any buildings, which are being erected, altered or repaired.

The place which the Americans shall occupy for their buildings, and the Harbour Regulations, shall be arranged by the American Consul, and the Authorities of each place, and if they cannot agree, the matter shall be referred to, and settled by the American Diplomatic Agent and the Japanese Government.

No wall, fence, or gate shall be erected by the Japanese, around the place of residence of the Americans, or anything done, which may prevent a free egress and ingress to the same.

From the (1<sup>st</sup> of January 1862) first day of January, one thousand, eight hundred and Sixty two, Americans shall be allowed to reside, in the City of Yedo, and from the (1<sup>st</sup> of January 1863) first day of January one thousand, eight hundred and sixty three, in the City of Osaca, for the purposes of trade only. In each of these two Cities a suitable place, within which they may hire houses, and the distance they may go, shall be arranged by the American Diplomatic Agent, and the Government of Japan.

Americans may freely buy from Japanese and sell to them, any articles, that either may have for sale, without the intervention of any Japanese officers, in such purchase or sale or in making or receiving payment for the same, and all classes of Japanese, may purchase, sell, keep or use, any articles sold to them, by the Americans.

The Japanese Government will cause this clause to be made public, in every part of the Empire, as soon as the Ratifications of this Treaty shall be exchanged.

Munitions of war shall only be sold to the Japanese Government and Foreigners.

No rice or wheat shall be exported from Japan, as cargo, but all Americans resident in Japan, and ships for their crews and passengers, shall be furnished with sufficient supplies of the same. The Japanese Government will sell from time to time, at public auction, any surplus quantity of copper, that may be produced.

Americans residing in Japan, shall have the right to employ Japanese as servants, or in any other capacity.

#### ARTICLE FOURTH,

Duties shall be paid, to the Government of Japan, on all goods landed in the Country, and on all Articles of Japanese production, that are exported as cargo, according to the Tariff hereunto appended.

If the Japanese Custom House Officers are dissatisfied, with the value, placed on any goods by the owner, they may place a value thereon, and offer to take the goods, at that valuation. If the owner refuses to accept the offer, he shall pay duty on such valuation. If the offer be accepted, by the owner, the purchase money shall be paid to him, without delay, and without any abatement or discount.

Supplies for the use of the United States Navy may be landed at Kanagawa, Hakodade and Nagasaki, and stored in warehouses in the custody of an Officer of the American Government, without the payment of any duty. But if any such supplies are sold in Japan, the Purchaser shall pay the proper duty, to the Japanese Authorities.

The importation of opium is prohibited, and any American vessel coming to Japan, for the purposes of trade, having more than (3) three catties, (four pounds avoirdupois) weight of opium on board, such surplus quantity shall be seized, and destroyed by the Japanese Authorities.

All goods imported into Japan, and which have paid the duty fixed by this Treaty, may be transported, by the Japanese, into any part of the Empire, without the payment of any tax, excise or transit duty whatever.

No higher duties shall be paid, by Americans, on goods imported into Japan, than are fixed by this Treaty, nor shall any higher duties

be paid, by Americans, than are levied on the same description of goods, if imported in Japanese vessels, or the vessels of any other Nation.

#### ARTICLE FIFTH<sup>1</sup>

All foreign coin shall be current in Japan, and pass for its corresponding weight of Japanese coin, of the same description.

Americans and Japanese may freely use foreign or Japanese coin, in making payments to each other.

As some time will elapse, before the Japanese will be acquainted with the value of foreign coin, the Japanese Government will for the period of one year, after the opening of each Harbour, furnish the Americans with Japanese coin, in exchange for theirs, equal weights being given, and no discount taken for recoinage.

Coins of all description (with the exception of Japanese copper coin) may be exported from Japan, and foreign gold and silver uncoined.

#### ARTICLE SIXTH.

Americans committing offences against Japanese, shall be tried in American Consular Courts, and when guilty, shall be punished according to American law.

Japanese committing offences against Americans, shall be tried by the Japanese Authorities, and punished according to Japanese law.

The consular courts shall be open to Japanese Creditors, to enable them, to recover their just claims, against American Citizens, and the Japanese Courts shall in like manner be open to American citizens, for the recovery of their just claims, against Japanese.

All claims for forfeitures or penalties, for violations of this Treaty, or of the Articles regulating trade which are appended hereunto, shall be sued for in the Consular Courts, and all recoveries shall be delivered to the Japanese authorities.

Neither the American or Japanese Governments are to be held responsible for the payment of any debts, contracted by their respective Citizens or Subjects.

#### ARTICLE SEVENTH.

In the opened Harbours of Japan, Americans shall be free to go, where they please, within the following limits.

At Kanagawa, the River Logo (which empties into the Bay of Yedo, between Kawasaki and Sinagawa) and (10) Ten Ri, in any other direction.

At Hakodade, (10) Ten Ri, in any direction.

At Hiogo, (10) Ten Ri, in any direction, that of Kioto excepted, which City shall not be approached nearer than (10) Ten Ri. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the Bay between Hiogo and Osaca.

The distances shall be measured inland, from the Goyoso, or Town Hall, of each of the foregoing Harbours, the Ri being equal to (4,275) four thousand, two hundred and seventy five yards, American measure.

At Nagasaki, Americans may go, into any part of the imperial domain in its vicinity.

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<sup>1</sup> This article is amended by Article VI of the Convention of 1866, p. 338.

The boundaries of Nee-e-gata, or the place that may be substituted for it, shall be settled by the American diplomatic Agent, and the Government of Japan.

Americans who have been convicted of felony, or twice convicted of misdemeanours, shall not go more than (1) one Japanese Ri inland, from the places of their respective residences, and all Persons so convicted, shall lose their right of permanent residence in Japan, and the Japanese Authorities may require them, to leave the Country.

A reasonable time shall be allowed to all such Persons to settle their affairs, and the American Consular authority, shall after an examination into the circumstances of each case, determine the time to be allowed, but such time shall not in any case exceed one year, to be calculated from the time, the Person shall be free to attend to his affairs.

#### ARTICLE EIGHTH.

Americans in Japan, shall be allowed the free exercise of their Religion, and for this purpose shall have the right to erect suitable places of worship. No injury shall be done to such buildings, nor any insult be offered to the religious worship of the Americans.

American Citizens shall not injure any Japanese temple or mia, or offer any insult or injury, to Japanese religious ceremonies, or to the objects of their worship.

The Americans and Japanese shall not do anything, that may be calculated to excite religious animosity. The Government of Japan has already abolished the practice of trampling on religious emblems.

#### ARTICLE NINTH.

When requested by the American Consul, the Japanese Authorities will cause the arrest of all deserters and fugitives from justice, receive in jail, all persons held as Prisoners by the Consul, and give to the Consul such assistance, as may be required to enable him, to enforce the observance of the Laws, by the Americans, who are on land, and to maintain order among the shipping. For all such services, and for the support of prisoners kept in confinement, the Consul shall in all cases, pay a just compensation.

#### ARTICLE TENTH.

The Japanese Government may purchase or construct in the United States, ships of war, steamers, merchantships, whaleships, cannon, munitions of war, and arms of all kinds, and any other things it may require. It shall have the right to engage in the United States, scientific, naval, and military men, artisans of all kinds, and mariners to enter into its service. All purchases made by the Government of Japan may be exported from the United States, and all Persons engaged for its service may freely depart from the United States:

*Provided.* That no Articles that are contraband of war, shall be exported, nor any persons engaged to act in a Naval or military capacity, while Japan shall be at war, with any Power in amity with the United States.

#### ARTICLE ELEVENTH.

The Articles for the regulation of trade, which are appended to this Treaty, shall be considered as forming a part of the same, and shall be equally binding on both the contracting Parties to this Treaty, and on their Citizens and Subjects.



## ARTICLE TWELFTH

Such of the provisions of the Treaty made by Commodore Perry, and signed at Kanagawa, on the 31<sup>st</sup> of March 1854, as conflict with the provisions of this Treaty are hereby revoked; and as all the provisions of a Convention executed by the Consul General of the United States and the Governors of Simoda, on the 17<sup>th</sup> of June 1857, are incorporated in this Treaty, that Convention is also revoked.

The person charged with the Diplomatic relations of the United States in Japan, in conjunction with such Person or Persons as may be appointed for that purpose, by the Japanese Government, shall have power, to make such rules and regulations, as may be required to carry into full and complete effect, the provisions of this Treaty, and the provisions of the Articles regulating trade appended thereunto.

## ARTICLE THIRTEENTH

After the (4<sup>th</sup> of July 1872) fourth day of July, one thousand, eight hundred and seventy two, upon the desire of either the American or Japanese Governments, and on one year's notice given, by either Party, this Treaty, and such portions of the Treaty of Kanagawa, as remain unrevoked by this Treaty, together with the regulations of trade, hereunto annexed, or those that may be hereafter introduced, shall be subject to revision by Commissioners appointed on both sides, for this purpose, who will be empowered to decide on, and insert therein, such amendments, as experience shall prove, to be desirable.

## ARTICLE FOURTEENTH.

This Treaty shall go into effect on the (4<sup>th</sup> of July 1859) fourth day of July, in the Year of our Lord one thousand eight hundred and fifty nine, on or before which day the Ratifications of the same shall be exchanged at the City of Washington, but, if from any unforeseen cause, the Ratifications cannot be exchanged, by that time, the Treaty shall still go into effect at the date above mentioned.

The Act of Ratification on the part of the United States shall be verified by the signature of the President of the United States, countersigned by the Secretary of State, and sealed with the seal of the United States.

The Act of Ratification on the part of Japan, shall be verified by the name and seal of His Majesty the Ty coon, and by the seals and signatures, of such of His high officers, as he may direct.

This treaty is executed in quadruplicate, each Copy being written in the English, Japanese, and Dutch languages, all the versions having the same meaning and intention, but the Dutch Version shall be considered as being the original.

In witness whereof the above named Plenipotentiaries have hereunto set their hands and seals, at the City of Yedo, this twenty ninth day of July in the Year of our Lord, one thousand, eight hundred and fifty eight, and of the Independence of the United States of America, the eighty third, corresponding to the Japanese Era, the nineteenth day of the sixth month, of the fifth year of Ansei Mma.

TOWNSEND HARRIS. [SEAL.]

*Regulations under which American Trade, is to be conducted in Japan.*<sup>1</sup>

## REGULATION FIRST.

Within (48) forty eight hours (Sundays excepted), after the arrival of an American ship, in a Japanese Port, the Captain or Commander shall exhibit to the Japanese Custom House Authorities the receipt of the American Consul, showing that he has deposited the ship's register and other papers, as required by the laws of the United States, at the American Consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship, and the name of the Port from which she comes, her Tonnage, the name of her Captain or Commander, the names of her passengers (if any) and the number of her crew, which paper shall be certified by the Captain or Commander to be a true statement, and shall be signed by him, he shall at the same time deposit a written Manifest of his cargo, setting forth the marks and numbers of the packages, and their contents, as they are described in his Bills of Lading, with the names of the Person or Persons, to whom they are consigned. A list of the stores of the ship shall be added to the Manifest. The Captain or Commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the same.

If any error is discovered in the Manifest, it may be corrected within (24) twenty four hours (Sundays excepted), without the payment of any fee, but for any alteration or post entry to the Manifest made after that time, a fee of (15) fifteen dollars shall be paid.

All goods not entered on the manifest shall pay double duties on being landed.

Any Captain or Commander that shall neglect to enter his vessel, at the Japanese Custom House within the time prescribed by this Regulation shall pay a penalty of (60) Sixty Dollars, for each day, that he shall so neglect to enter his ship.

## REGULATION SECOND.

The Japanese Government shall have the right to place Custom House Officers, on board of any ship in their Ports, (men of war excepted). All Custom House Officers shall be treated with civility, and such reasonable accommodation shall be allotted to them, as the ship affords.

No goods shall be unladen from any ship between the hours of sunset and sunrise, except by special permission of the Custom House Authorities, and the hatches and all other places of entrance, into that part of the ship, where the cargo is stowed, may, be secured by Japanese officers, between the hours of sunset and sunrise, by affixing seals, locks or other fastenings, and if any Person shall, without due permission, open any entrance, that has been so secured, or shall break or remove, any seal, lock or other fastening, that has been affixed by the Japanese Custom House Officers, every Person so offending shall pay a fine of (60) Sixty dollars, for each offence. Any goods, that shall be discharged, or attempted to be discharged from any ship, without having been duly entered, at the Japanese Custom House, as here in after provided, shall be liable to seizure and confiscation.

Packages of goods, made up with an attempt to defraud the Revenue of Japan, by concealing therein Articles of value, which are not set forth in the Invoice, shall be forfeited.

American ships, that shall smuggle or attempt to smuggle goods, in any of the non opened Harbours of Japan, all such goods shall be forfeited to the Japanese Government, and the ships shall pay a fine of (1,000) one thousand Dollars for each offence.

Vessels needing repairs may land their cargo, for that purpose without the payment of duty. All goods so landed shall remain in charge of the Japanese Authorities, and all just charges for storage, labor, and supervision shall be paid thereon. But if any portion of such cargo be sold, the regular duties shall be paid, on the portion so disposed of.

Cargo may be transhipped to another vessel, in the same Harbour without the payment of duty, but all transhipments shall be made, under the supervision of Japanese Officers, and after satisfactory proof has been given to the Custom House Authorities, of the bona fide nature of the transaction, and also, under a permit, to be granted for that purpose, by such authorities.

The importation of opium being prohibited, if any person or persons shall smuggle or attempt to smuggle any opium, he or they shall pay a fine of (15)

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<sup>1</sup>Amended by the Convention of June 25, 1866, p. 336.

fifteen dollars, for each catty of Opium so smuggled, or attempted to be smuggled, and if more than one Person shall be engaged in the offence, they shall collectively be held responsible, for the payment of the foregoing penalty.

#### REGULATION THIRD.

The owner or consignee of any goods, who desires to land them, shall make an entry of the same, at the Japanese Custom House. The entry shall be in writing, and shall set forth the name of the Person making the entry, and the name of the ship, in which the goods were imported, and the marks, numbers, packages, and the contents thereof, with the value of each package, extended separately in one amount, and at the bottom of the entry shall be placed, the aggregate value of all the goods, contained in the entry. On each entry, the owner or consignee, shall certify in writing, that the entry then presented, exhibits the actual cost of the goods, and that nothing has been concealed, whereby the customs of Japan, would be defrauded, and the owner or Consignee shall sign his name, to such certificate.

The original Invoice or Invoices of the goods so entered, shall be presented to the Custom House Authorities, and shall remain in their possession, until they have examined the goods, contained in the entry.

The Japanese officers may examine any or all the packages so entered, and for this purpose may take them to the Custom House, but such examination shall be without expense to the importer, or injury to the goods, and after examination, the Japanese shall restore the goods, to their original condition, in the packages, (so far as may be practicable) and such examination shall be made, without any unreasonable delay.

If any owner or Importer discovers, that his goods have been damaged on the voyage of importation, before such goods have been delivered to him, he may notify the Custom House Authorities, of such damage, and he may have the damaged goods appraised, by two or more competent and disinterested persons, who, after due examination, shall make a certificate, setting forth the amount per cent of damage, on each separate package, describing it by its mark and number, which certificates shall be signed by the Appraisers, in presence of the Custom-House Authorities, and the Importer may attach the Certificate to his entry, and make a corresponding deduction from it. But this shall not prevent the Custom House Authorities, from appraising the goods in the manner provided, in Article Fourth of the Treaty, to which these regulations are appended.

After the duties have been paid, the Owner shall receive a Permit, authorizing the delivery to him of the goods, whether the same are at the Custom House or on shipboard.

All goods, intended to be exported, shall be entered at the Japanese Custom House, before they are placed on shipboard. The entry shall be in writing, and shall state the name of the ship, by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description and value of their contents. The Exporter shall certify in writing, that the entry is a true account, of all the goods, contained therein, and shall sign his name thereto.

Any goods that are put on board of a ship for exportation, before they have been entered at the Custom House, and all packages, which contain prohibited articles, shall be forfeited to the Japanese Government.

No entry at the Custom House shall be required for supplies for the use of ships, their crews and passengers, nor for the clothing, etc. of passengers.

#### REGULATION FOURTH.

Ships wishing to clear, shall give (24) twenty four Hours notice at the Custom-House, and at the end of that time, they shall be entitled to their clearance, but if it be refused, the Custom House Authorities, shall immediately inform the Captain or Consignee of the ship, of the reasons, why the clearance is refused, and they shall also give the same notice, to the American Consul.

Ships of war of the United States shall not be required, to enter or clear at the Custom House, nor shall they be visited by Japanese Custom House or Police Officers.

Steamers, carrying the mails of the United States, may enter and clear on the same day, and they shall not be required, to make a Manifest, except for such passengers and goods, as are to be landed in Japan. But such Steamers shall in all cases enter and clear at the Custom House.

Whaleships touching for supplies, or ships in distress shall not be required to make a manifest of their cargo, but if they subsequently wish to trade, they shall then deposit a manifest, as required in Regulation First.

The word ship, whenever it occurs, in these Regulations, or in the Treaty, to which they are attached, is to be held as meaning, Ship, Barque, Brig, Schooner, Sloop or steamer.

## REGULATION FIFTH.

Any Person signing a false declaration or Certificate, with the intent to defraud the Revenue of Japan, shall pay a fine of (125) one hundred and twenty five Dollars, for each offence.

REGULATION SIXTH.<sup>1</sup>

No Tonnage duties shall be levied on American ships in the Ports of Japan, but the following fees shall be paid, to the Japanese Custom House Authorities.

For the entry of a ship (15) fifteen Dollars.

For the clearance of a ship (7) Seven Dollars.

For each Permit (1½) one dollar and a half

For each Bill of Health (1½) one dollar and a half

For any other document (1½) one dollar and a half.

## REGULATION SEVENTH.

Duties shall be paid to the Japanese Government, on all goods landed in the Country, according to the following tariff.

*Class One.*

All Articles in this class shall be free of duty.

Gold and silver, coined or uncoined.

Wearing apparel in actual use.

Household furniture and printed books, not intended for sale, but the property of persons who come to reside in Japan.

*Class Two.*

A duty of (5) five per cent shall be paid on the following articles.

All Articles used for the purpose of building rigging, repairing or fitting out of ships.

Whaling gear of all kinds

Salted provisions of all kinds.

Bread and breadstuffs

Living animals of all kinds.

Coals.

Timber for building houses.

Rice.

Paddy.

Steam machinery

Zinc.

Lead.

Tin.

Raw silk.

*Class Three.*

A duty of (35) thirty five per cent shall be paid on all intoxicating liquors, whether prepared by distillation, fermentation, or in any other manner.

*Class Four.*

All goods not included in any of the preceding classes shall pay a duty of (20) Twenty per cent.

All articles of Japanese production, which are exported as cargo, shall pay a duty of (5) five per cent, with the exception of gold and silver coin, and copper in bars.

(5) Five years after the opening of Kanagawa, the Import and Export duties shall be subject to revision, if the Japanese Government desires it.

TOWNSEND HARRIS. [SEAL.]

<sup>1</sup> This regulation is amended by Article III of the Convention of 1866, p. 338.

1864.

## CONVENTION FOR THE REDUCTION OF IMPORT DUTIES.

*Concluded January 28, 1864; ratification advised by the Senate February 21, 1866; ratified by the President April 9, 1866; proclaimed April 9, 1866. (Treaties and Conventions, 1889, p. 610.)*

This convention of four articles was superseded by the Convention of 1866, below.

1864.

## CONVENTION FOR THE PAYMENT OF THE SIMONOSEKI INDEMNITIES.

*Concluded October 22, 1864; ratification advised by the Senate February 21, 1866; ratified by the President April 9, 1866; proclaimed April 9, 1866. (Treaties and Conventions, 1889, p. 611.)*

This convention, between Japan and the United States, Great Britain, France, and the Netherlands, provided for the payment of \$3,000,000 to the four powers.

1866.

## CONVENTION ESTABLISHING TARIFF OF DUTIES BETWEEN JAPAN AND THE UNITED STATES, GREAT BRITAIN, FRANCE, AND THE NETHERLANDS.

*Concluded June 25, 1866; ratification advised by the Senate June 17, 1868. (Treaties and Conventions, 1889, p. 612.)*

(This treaty was not proclaimed and will be superseded July 17, 1899, by the Treaty of November 22, 1894.)

## ARTICLES.

- |                           |  |
|---------------------------|--|
| I. Effect.                | VIII. Japanese vessels; tonnage.                 |
| II. Revision.             | IX. Freedom of trade.                            |
| III. Permits.             | X. Importations; travel; employment of Japanese. |
| IV. Warehousing.          | XI. Aids to navigation.                          |
| V. Transit charges.       | XII. Effect; ratification.                       |
| VI. Coins.                | Tariff and rules.                                |
| VII. Protection of trade. |  |

The Representatives of the United States of America, Great Britain, France, and Holland, having received from their respective Governments identical instructions for the modification of the Tariff of Import and Export Duties, contained in the Trade Regulations, annexed to the Treaties concluded by the aforesaid Powers with the Japanese Government in 1858, which modification is provided for by the VII<sup>th</sup> of those Regulations:—

And the Japanese Government having given the said Representatives, during their visit to Osaka, in November 1865, a written engagement



to proceed immediately to the Revision of the Tariff in question on the general basis of a duty of five per cent on the value of all articles Imported or Exported:—

And the Government of Japan being desirous of affording a fresh proof of their wish to promote trade and to cement the friendly relations which exist between their country and foreign nations:—

His Excellency Midzuno Idzumi no Kami, a Member of the Gorojiu and a Minister of Foreign Affairs, has been furnished by the Government of Japan with the necessary powers to conclude with the Representatives of the above-named four Powers; that is to say;

Of the United States of America:—A. L. C. Portman, Esq., Chargé d’Affaires ad interim;

Of Great Britain:—Sir Harry S. Parkes, Knight Commander of the Most Honorable Order of the Bath, Her Britannic Majesty’s Envoy Extraordinary and Minister Plenipotentiary in Japan;

Of France:—Monsieur Leon Roches, Commander of the Imperial Order of the Legion of Honor, Minister Plenipotentiary of His Majesty the Emperor of the French in Japan;

And of Holland:—Monsieur Dirk de Graeff van Polsbroek, Knight of the Order of the Netherlands Lion, Political Agent and Consul General of his Majesty the King of the Netherlands:—

The following Convention comprising Twelve Articles.

#### ARTICLE I

The contracting parties declare in the names of their respective Governments that they accept, and they hereby do formally accept as binding on the citizens of their respective countries, and on the subjects of their respective Sovereigns the Tariff hereby established and annexed to the present convention.

This Tariff is substituted not only for the original Tariff attached to the Treaties concluded with the abovenamed four Powers but also for the special Conventions and arrangements relative to the same Tariff, which have been entered into at different dates up to this time between the Governments of the United States, Great Britain and France on one side, and the Japanese Government on the other.

The new Tariff shall come into effect in the port of Kanagawa (Yokohama) on the first day of July next, and in the ports of Nagasaki and Hakodate on the first day of the following month.

#### ARTICLE II

The Tariff, attached to this convention, being incorporated from the date of its signature in the Treaties concluded between Japan and the above named four powers; is subject to revision on the first day of July, 1872. Two years, however, after the signing of the present convention, any of the contracting parties, on giving six months’ notice to the others, may claim a re-adjustment of the duties on Tea and Silk on the basis of 5 per cent on the average value of those articles during the three years last preceding. On the demand also of any of the contracting parties, the duty on timber may be changed from an ad valorem to a specific rate six months after the signature of this convention.



## ARTICLE III

The Permit fee, hitherto levied under the VI<sup>th</sup> Regulation attached to the above named Treaties, is hereby abolished. Permits for the landing or shipment of cargo will be required as formerly, but will hereafter be issued free of charge.

## ARTICLE IV

On and from the first day of July next at the port of Kanagawa (Yokohama) and on and from the 1<sup>st</sup> day of October next at the ports of Nagasaki and Hakodate, the Japanese Government will be prepared to warehouse imported goods, on the application of the importer or owner without payment of duty. The Japanese Government will be responsible for the safe custody of the goods so long as they remain in their charge, and will adopt all the precautions necessary to render them insurable against fire. When the importer or the owner wishes to remove the goods from the warehouse, he must pay the duties fixed by the Tariff, but if he should wish to re-export them, he may do so without payment of duty. Storage charges will in either case be paid on delivery of the goods. The amount of these charges together with the regulations necessary for the management of the said warehouses, will be established by the common consent of the contracting parties.

## ARTICLE V

All articles of Japanese production may be conveyed from any place in Japan to any of the Ports open to foreign trade, free of any tax or transit duty other than the usual tolls levied equally on all traffic, for the maintenance of roads or navigation.

## ARTICLE VI

In conformity with those articles of the treaties concluded between Japan and Foreign Powers, which stipulated for the circulation of foreign coin at its corresponding weight in native coin of the same description, dollars have hitherto been received at the Japanese Custom House in payment of duties at their weight in Boos, (commonly called Itchiboos) that is to say, at a rate of Three hundred and eleven Boos per Hundred Dollars. The Japanese Government, being however desirous to alter this practice and to abstain from all interference in the exchange of native for foreign coin, and being also anxious to meet the wants, both of native and foreign commerce by securing an adequate issue of native coin, have already determined to enlarge the Japanese Mint so as to admit of the Japanese Government exchanging into native coin of the same intrinsic value, less only the cost of coinage at the places named for this purpose; all foreign coin or bullion in gold or silver that may at any time be tendered to them by foreigners or Japanese. It being essential however to the execution of this measure, that the various Powers with whom Japan has concluded Treaties should first consent to modify the stipulations in those Treaties which relate to the currency, the Japanese Government will at once propose to those Powers the adoption of the necessary modification in the said stipulations, and on receiving their concurrence, will be prepared from the first of January 1868 to carry the above measure into effect.

The rates to be charged as the cost of coinage shall be determined hereafter, by the common consent of the contracting parties.

#### ARTICLE VII

In order to put a stop to certain abuses and inconveniences complained of at the open Ports, relative to the transaction of business at the Custom-house, the landing and shipping of cargoes, and the hiring of boats, coolies, servants &c the Contracting parties have agreed that the Governor at each open port shall at once enter into negotiations with the foreign Consuls with a view to the establishment, by mutual consent, of such regulations as shall effectually put an end to those abuses and inconveniences and afford all possible facility and security both to the operations of trade and to the transactions of individuals.

It is hereby stipulated that, in order to protect merchandize from exposure to weather, these regulations shall include the covering in at each port of one or more of the landing places used by foreigners for landing or shipping cargo.

#### ARTICLE VIII

Any Japanese subject shall be free to purchase, either in the open ports of Japan or abroad, every description of sailing or steam vessel intended to carry either passengers or cargo; but ships of war may only be obtained under the authorization of the Japanese government.

All foreign vessels purchased by Japanese subjects shall be registered as Japanese vessels, on payment of a fixed duty of three Boos per ton for steamers, and one Boo per ton for sailing vessels. The tonnage of each vessel shall be proved by the Foreign Register of the ship, which shall be exhibited through the Consul of the party interested, on the demand of the Japanese Authorities, and shall be certified by the Consul as authentic.

#### ARTICLE IX

In conformity with the Treaties concluded between Japan and the aforesaid Powers and with the special arrangements made by the Envoys of the Japanese Government, in their note to the British Government of the 6<sup>th</sup> of June 1862, and in their note to the French Government, of the sixth of October of the same year, all the restrictions on trade and intercourse between foreigners and Japanese alluded to in the said notes, have been entirely removed, and proclamations to this effect have already been published by the Government of Japan. The latter, however, do not hesitate to declare that Japanese merchants and traders of all classes are at liberty to trade directly, and without the interference of Government officers, with foreign merchants not only at the open Ports of Japan, but also in all Foreign countries, on being authorized to leave their country in the manner provided for in Article X of the present convention, without being subject to higher taxation by the Japanese Government than that levied on the native trading classes of Japan in their ordinary transactions with each other.

And they further declare that all Daimios, or persons in the employ of Daimios are free to visit, on the same condition, any foreign country as well as all the open Ports of Japan, and to trade there with

foreigners as they please without the interference of any Japanese officer, provided always they submit to the existing Police regulations and to the payment of the established duties.

#### ARTICLE X

All Japanese subjects may ship goods to or from any open Port in Japan, or to and from the Ports of any Foreign Power, either in vessels owned by Japanese, or in the vessels of any nation having a Treaty with Japan. Furthermore, on being provided with passports through the proper Department of the Government, in the manner specified in the Proclamation of the Japanese Government, dated the twenty third day of May 1866, all Japanese subjects may travel to any foreign country for purposes of study or trade. They may also accept employment in any capacity on board the vessels of any nation having a Treaty with Japan. Japanese in the employ of Foreigners may obtain Government passports to go abroad on application to the Government of any open port.

#### ARTICLE XI

The Government of Japan will provide all the Ports open to Foreign trade with such lights, buoys and beacons as may be necessary to render secure the navigation of the approaches to the said Ports.

#### ARTICLE XII

The undersigned being of opinion that it is unnecessary that this Convention should be submitted to their respective Governments for ratification before it comes into operation, it will take effect on and from the first day of July, one thousand eight hundred and sixty six.

Each of the Contracting Parties having obtained the approval of his Government to this Convention shall make known the same to the others, and the communication in writing of this approval shall take the place of a formal exchange of Ratifications.

In witness whereof the above named Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at Yedo in the English, French, Dutch and Japanese languages this twenty fifth day of June, one thousand eight hundred and sixty six.

[SEAL.]

A. L. C. PORTMAN,  
*Chargé d'Affaires a. i. of the United States in Japan.*

[SEAL.]

HARRY S. PARKES,  
*H. B. M's Envoy Extraordinary &  
Minister Plenipotentiary in Japan.*

[SEAL.]

LEON ROCHES,  
*Ministre Plenip<sup>re</sup> de S. M. l'Empereur des Français au Japon.*

[SEAL.]

D. DE GRAEFF VAN POLSBROEK,  
*H N M's Political Agent & Consul General v Japan.*

[SEAL.]

MIDZUNO IDZUMI NO KAMI.

Import tariff.<sup>1</sup>

## CLASS 1.—SPECIFIC DUTIES.

No.	Article.	Duty.		
		Per.	Boos	Cents.
1	Alum.....	100 catt.....	0	15
2	Betel, Nut.....	".....	0	45
3	Brass Buttons.....	Gross.....	0	23
4	Candles.....	100 catt.....	2	25
5	Canvas and Cotton Duck.....	10 yards.....	0	25
6	Cigars.....	Catty.....	0	25
7	Cloves and Mother Cloves.....	100 catt.....	1	00
8	Cochineal.....	".....	21	00
9	Cordage.....	".....	1	25
10	Cotton, Raw.....	".....	1	25
COTTON MANUFACTURES.				
11	Shirtings, Grey, White and Twilled; White Spotted or Figured, Drills and Jeans; White Brocades; T-Cloths; Cambrics; Muslins; Lawns; Dimities; Quiltings; Cottonets; all the above goods Dyed; Printed Cottons' Chintzes, and Furnitures;			
	A. Not exceeding 34 in wide.....	10 yards.....	0	07½
	B. " " 40 " ".....	".....	0	08½
	C. " " 46 " ".....	".....	0	10
	D. Exceeding 46 " ".....	".....	0	11½
12	Taffachelass not exceding 31 inches.....	".....	0	17½
	" exceeding 31 inches and not exceeding 43 inches.....	".....	0	25
13	Fustians, as Cotton Velvets, Velveteens, Satins, Satinets, and Cotton Damasks, not exceeding 40 inches.....	".....	0	20
14	Ginghams, not exceeding 31 inches.....	".....	0	08
	" not exceeding 43 inches.....	".....	0	09
15	Handkerchiefs.....	Dozen.....	0	05
16	Singlets and Drawers.....	".....	0	30
17	Table-Cloths.....	Each.....	0	08
18	Cotton Thread, Plain or Dyed in reel or ball.....	100 catt.....	7	50
19	Cotton Yarn, plain or dyed.....	".....	5	00
20	Cutch.....	100 pieces.....	0	75
21	Feathers (Kingfisher, Peacock, &c).....	100 catt.....	1	50
22	Flints.....	".....	0	12
23	Gambler.....	".....	0	45
24	Gamboge.....	Bx of 100sq.ft.....	3	75
25	Glass, Window.....	100 catt.....	0	35
26	Glue.....	".....	0	60
27	Gum Benjamin and Oil of Do.....	".....	2	40
28	" Dragons Blood, Myrrh, Olibanum.....	".....	1	80
29	Gypsum.....	".....	0	08
30	Hides,—Buffalo and Cow.....	".....	1	20
31	Horns,—Buffalo and Deer.....	".....	1	05
32	" Rhinoceros.....	".....	3	50
33	Hoofs.....	".....	0	30
34	Indigo, liquid.....	".....	0	75
35	" dry.....	".....	3	75
36	Ivory,—Elephants' Teeth, all qualities.....	".....	15	00
37	Paints,—as Red, White, and Yellow lead, (Minium, Ceruse, and Massicot,) and paint-oils.....	".....	1	50
38	Leather.....	100 catt.....	2	00
39	Linen of all qualities.....	10 yards.....	0	20
40	Mangrove bark.....	100 catt.....	0	15
41	Matting, floor.....	Roll of 40yds.....	0	75
METALS.				
42	Copper and Brass in Slabs, Sheets, Rods, Nails.....	100 catt.....	3	50
43	Yellow metal,—Muntz Metal, Sheathing and Nails.....	".....	2	50
44	Iron, manufactured, as in Rods, Bars, Nails, &c.....	".....	0	30
45	Iron, manufactured, as in Pigs.....	".....	0	15
46	" " as in Kentledge.....	".....	0	08
47	" " as in Wire.....	".....	0	80
48	Lead, pigs.....	".....	0	80
49	" sheet.....	".....	1	00
50	Spelter and Zinc.....	".....	0	60
51	Steel.....	".....	0	60
52	Tin.....	".....	3	00
53	Tin plates.....	Bx. not ex. 90 catt.....	0	70
54	Oil Cloth for flooring.....	10 yards.....	0	30
55	" or Leather Cloth for Furniture.....	".....	0	15
56	Pepper, Black and White.....	100 catt.....	1	00
57	Putchuk.....	".....	2	25
58	Quicksilver.....	".....	6	00

<sup>1</sup> By the protocol November 22, 1894 (p. 359), it was agreed that the general statutory tariff of Japan should be made applicable to importations of goods and merchandise of the United States, one month after the ratifications of the treaty of the same date were exchanged, March 21, 1895.

Import tariff—Continued.

CLASS 1.—SPECIFIC DUTIES—Continued.

No.	Article.	Duty.		
		Per—	Boos.	Cents.
METALS—continued.				
59	Quinine .....	Catty .....	1	50
60	Rattans .....	100 catt .....	0	45
61	Rhubarb .....	" .....	1	00
62	Salt fish .....	" .....	0	75
63	Sandal Wood .....	" .....	1	25
64	Sapan Wood .....	" .....	0	40
65	Sea horse Teeth .....	" .....	7	50
66	Narwhal or "Unicorn" Teeth .....	Catty .....	1	00
67	Sharks' Skins .....	100 pcs .....	7	50
68	Snuff .....	Catty .....	0	30
69	Soap, Bar .....	100 catt .....	0	50
70	Stick Lac .....	" .....	1	75
71	Sugar—Brown and Black .....	" .....	0	40
72	" White .....	" .....	0	75
73	" Candy and Loaf .....	" .....	1	00
74	Tobacco .....	" .....	1	80
75	Vermillion .....	" .....	9	00
WOOLLEN MANUFACTURES				
76	Broad, Habit, Medium, and narrow cloth:			
	A. not exceeding 34 in .....	10 yards .....	0	60
	B. " " 55 inches .....	" .....	1	00
	C. exceeding 55 " .....	" .....	1	25
77	Spanish Stripes .....	" .....	0	75
78	Cassimeres, Flannel, Long-Elks and Serges .....	" .....	0	45
79	Bunting .....	" .....	0	15
80	Camlets, Dutch .....	" .....	0	75
81	" English .....	" .....	0	45
82	Lastings, Crape-Lastings, and Worsted Crape, Merinos, and all other Woollen Goods not classed under No. 76:			
	A. not exceeding 34 inches .....	" .....	0	30
	B. exceeding 34 " .....	" .....	0	45
83	Woolen and Cotton Mixtures, as Imitation Camlets; Imitation Lastings; Orleans, (plain and figured,) Lustres, (plain and figured,) Alpacas; Barathea, Damasks; Italian Cloth; Taffachelass; Russell Cords; Cassandras; Woolen Fancies; Camlet Cords, and all other Cotton and Woolen Mixtures:			
	A. not exceeding 34 inches .....	" .....	0	30
	B. exceeding 34 " .....	" .....	0	45
84	Blankets and Horse Cloths .....	10 catt .....	0	50
85	Traveling Rugs; Plaids and Shawls .....	Each .....	0	50
86	Figured Woollen Table Cloths .....	" .....	0	75
87	Woolen Singlets and Drawers .....	Dozen .....	1	00
88	Woolen & Cotton Singlets & Drawers .....	" .....	0	60
89	Woolen Yarn, plain and dyed .....	100 catties .....	10	00

CLASS II.—DUTY FREE GOODS.

- All animals used for food or draught
- Anchors and chain cables
- Coal
- Clothing (foreign) not being of articles named in this tariff
- Gold and Silver, coined and uncoined.
- Grain, including Rice, Paddy, Wheat, Barley, Oats; Rye, Peas; Beans, Millet, Indian-corn.
- Flour and meal prepared from the above
- Oil Cake.
- Packing matting
- Printed Books
- Salt
- Salted Meats in Casks
- Saltpetre
- Solder
- Tar and Pitch
- Tea Firing pans and baskets
- Tea Lead
- Traveling Baggage

## CLASS III.—PROHIBITED GOODS

Opium.

## CLASS IV.—GOODS SUBJECT TO AN AD VALOREM DUTY OF FIVE PER CENT ON ORIGINAL VALUE.

Arms and munitions of war.  
 Articles de Paris  
 Boats and Shoes.  
 Clocks, Watches and Musical Boxes  
 Coral. Cutlery.  
 Drugs and Medicines such as Ginseng, &c.  
 Dyes.  
 Porcelain and Earthenware.  
 Furniture of all kinds new and second hand.  
 Glass and Crystal Ware.  
 Gold and Silver lace and thread.  
 Gums and Spices not named in Tariff.  
 Lamps, Looking Glasses.  
 Jewellery  
 Machinery and Manufactures in Iron or Steel.  
 Manufactures of all kinds in Silk, Silk and Cotton, or Silk and Wool, as Vel-  
 vets, Damasks, Brocades, &c  
 Paintings and Engravings  
 Perfumery, Scented Soap.  
 Plated ware  
 Skins and Furs.  
 Telescopes and Scientific instruments  
 Timber  
 Wines, Malt and Spirituous Liquors.  
 Table stores of all kinds.  
 And all other unenumerated Goods.

NOTE.—According to the VIII<sup>th</sup> Article of the Convention of Yedo, a duty will be charged on the sale of Foreign Vessels to Japanese of three Boos per ton for Steamers, and one Boo per ton for Sailing Vessels.

*Export tariff.*

## CLASS I.—SPECIFIC DUTIES.

No.	Article.	Duty.		
		Per—	Boos.	Cents.
1	Awabé .....	100 catt .....	3	00
2	“ shells .....	“ .....	0	08
3	Camphor .....	“ .....	1	80
4	China Root (Bukrio) .....	“ .....	0	75
5	Cassia .....	“ .....	0	30
6	“ buds .....	“ .....	2	25
7	Coal .....	“ .....	0	04
8	Cotton, Raw .....	“ .....	2	25
9	Coir .....	“ .....	0	45
10	Fish, dried or Salted, Salmon & Cod .....	“ .....	0	75
11	do cuttle .....	“ .....	1	05
12	Gall nuts .....	“ .....	0	90
13	Ghinang or Ichio .....	“ .....	0	45
14	Hemp .....	“ .....	2	00
15	Honey .....	“ .....	1	05
16	Horns, Deer, old .....	“ .....	0	90
17	Irico or Béche de Mer .....	“ .....	3	00
18	Iron, Japanese .....	“ .....	0	60
19	Isinglass .....	“ .....	2	25
20	Lead .....	“ .....	0	90
21	Mushrooms, all qualities .....	“ .....	5	00
22	Oil, Fish .....	“ .....	0	30
23	do Seed .....	“ .....	1	05
24	Paper, Writing .....	“ .....	3	00
25	Do. Inferior .....	“ .....	1	00
26	Peas, Beans, and Pulse of all kinds .....	“ .....	0	30
27	Peony Bark (Botanpi) .....	“ .....	3	75
28	Potatoes .....	“ .....	0	15
29	Rags .....	“ .....	0	12
30	Sake or Japanese Wines or Spirits .....	“ .....	0	90



Export tariff—Continued.

CLASS I.—SPECIFIC DUTIES—Continued.

No.	Article.	Duty.		
		Per—	Boxes.	Cents.
31	Seaweed, Uncut.....	100 catt.	0	30
32	“ Cut.....	“	0	60
33	Seeds, Rape.....	“	0	45
34	Do. Sesamum.....	“	0	90
35	Shark's fins.....	“	1	80
36	Shrimps and Prawns, Dried Salt.....	“	1	80
SILK.				
37	Raw and thrown.....	“	75	00
38	Tama or Dupioni.....	“	20	00
39	Noshi or Skin.....	“	7	50
40	Floss.....	“	20	00
41	Cocoons, Pierced.....	“	7	00
42	“ Unpierced.....	“	12	00
43	Waste silk and Waste Cocoons.....	“	2	25
44	Silk Worm's Eggs.....	Sheet	0	07½
45	Soy.....	100 catt.	0	45
46	Sulphur.....	“	0	30
47	Tea.....	“	3	50
48	“ quality known as “Bancha” (when exported from Na- gasaki only).....	“	0	75
49	Tobacco, Leaf.....	“	0	75
50	“ Cut or prepared.....	“	1	50
51	Vermicelli.....	“	0	45
52	Wax, Vegetable.....	“	1	50
53	“ bees'.....	“	2	50

CLASS II.—DUTY-FREE GOODS.

Gold and Silver, coined.  
Gold, Silver, and Copper, uncoined, of Japanese production, to be sold only by the Japanese Government at public auction.

CLASS III.—PROHIBITED GOODS.

Rice; Paddy; Wheat and Barley.  
Flour made from the above  
Saltpetre.

CLASS IV.—GOODS SUBJECT TO AN AD VALOREM DUTY OF FIVE PER CENT TO BE CALCULATED ON THEIR MARKET VALUE.

Bamboo Ware.  
Copper Utensils of all kinds.  
Charcoal.  
Ginseng and unenumerated Drugs.  
Horns, deer, young or soft.  
Mats and Matting.  
Silk dresses, manufactures or embroideries.  
Timber.  
And all other unenumerated goods.

RULES.

RULE I.

Unenumerated Imports, if mentioned in the Export list shall not pay duty under that list, but shall be passed ad valorem, and the same shall apply to any unenumerated Exports that may be named in the Import list.

RULE II.

Foreigners resident in Japan and the crews or passengers of foreign ships shall be allowed to purchase such supplies of the grain or flour named in the list of exports as they may require for their own consumption; but the usual shipping permit must be obtained from the Custom House before any of the aforesaid grain or flour can be shipped to a foreign vessel.

## RULE III

The Catty mentioned in this Tariff is equal to one pound and a third English avoirdupois weight. The Yard is the English measure of three feet,—the English foot being one-eighth of an inch larger than the Japanese Kan Ishaku. The Boo is a silver coin weighing not less than 134 grains Troy weight and containing not less than nine parts of pure silver and not more than one part of alloy. The Cent is the one hundredth part of the Boo.

[SEAL.]

A. L. C. PORTMAN,  
*Chargé d'Affaires a. i. of the United States in Japan.*

[SEAL.]

HARRY S. PARKES,  
*H. B. M.'s Envoy Extraordinary & Minister  
Plenipotentiary in Japan.*

[SEAL.]

LEON ROCHES,  
*Ministre plénipotentiaire de S. M. L'Empereur des  
Français, au Japon.*

[SEAL.]

D. DE GRAEFF VAN POLSBROEK,  
*H. N. M's Political Agent & Consul General in Japan.*

[SEAL.]

MIDZUNO IDZUMI NO KAMI.

1878.

## COMMERCIAL CONVENTION.

*Concluded July 25, 1878; ratification advised by the Senate December 18, 1878; ratified by the President January 20, 1879; ratifications exchanged April 8, 1879; proclaimed April 8, 1879. (Treaties and Conventions, 1889, p. 621.)*

It is provided by Article X that this convention shall take effect when existing treaties with other powers have been revised, and July 17, 1899, it will be superseded by the Treaty of November 22, 1894.

## ARTICLES.

- |   |   |
|---|---|
| <p>I. Previous treaties annulled; Japanese authority recognized.</p> <p>II. No discrimination of duties.</p> <p>III. Export duties abolished.</p> <p>IV. Jurisdiction of consular courts.</p> <p>V. Coasting trade.</p> <p>VI. Unloading portions of cargo; port charges.</p> | <p>VII. Additional open ports.</p> <p>VIII. Coinage.</p> <p>IX. Annulment of former treaties; revision.</p> <p>X. Effect; ratification.</p> |
|---|---|

The President of the United States of America, and His Majesty the Emperor of Japan, both animated with the desire of maintaining the good relations which have so happily subsisted between their respective countries, and wishing to strengthen, if possible, the bond of friendship and to extend and consolidate commercial intercourse between the two countries by means of an additional convention, have for that purpose named as their respective plenipotentiaries; that is to say; the President of the United States, William Maxwell Evarts, Secretary of State of the United States, and His Majesty the Emperor of Japan, Jushie Yoshida Kiyonari, of the Order of the Rising Sun, and of the Third Class, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles:

## ARTICLE I.

It is agreed by the high contracting parties that the Tariff Convention, signed at Yedo on the 25th day of June, 1866, or the 13th of the 5th month of the second year of Keio, by the respective representatives of the United States, Great Britain, France and Holland on the one hand, and Japan on the other, together with the schedules of tariff on imports and exports and the bonded warehouse regulations, both of which are attached to the said convention, shall hereby be annulled and become inoperative as between the United States and Japan under the condition expressed in Article X. of this present convention; and all such provisions of the treaty of 1858, or the fifth year of Ansei, signed at Yedo, as appertain to the regulations of harbors, customs and taxes, as well as the whole of the trade-regulations, which are attached to the said treaty of 1858, or the fifth year of Ansei, shall also cease to operate.

It is further understood and agreed that from the time when this present convention shall take effect, the United States will recognize the exclusive power and right of the Japanese Government to adjust the customs tariff and taxes and to establish regulations appertaining to foreign commerce in the open ports of Japan.

## ARTICLE II.

It is, however, further agreed that no other or higher duties shall be imposed on the importation into Japan of all articles of merchandise from the United States, than are or may be imposed upon the like articles of any other foreign country; and if the Japanese Government should prohibit the exportation from, or importation into, its dominions of any particular article or articles, such prohibition shall not be discriminatory against the products, vessels or citizens of the United States.

## ARTICLE III.

It is further agreed, that, as the United States charge no export duties on merchandise shipped to Japan, no export duties on merchandise shipped in the latter country for the United States shall be charged after this treaty shall go into effect.

## ARTICLE IV.

It is further stipulated and agreed, that, so long as the first three sentences which are comprised in the first paragraph of article VI. of the treaty of 1858, or the fifth year of Ansei, shall be in force, all claims by the Japanese Government for forfeitures or penalties for violations of such existing treaty, as well as for violations of the customs, bonded-warehouse and harbor regulations, which may, under this convention, from time to time, be established by that Government, shall be sued for in the Consular Courts of the United States, whose duty it shall be to try each and every case fairly and render judgment in accordance with the provisions of such treaty and of such regulations; and the amount of all forfeitures and fines shall be delivered to the Japanese authorities.

## ARTICLE V.

It is understood and declared by the high contracting parties, that the right of controlling the coasting trade of Japan belongs solely, and shall be strictly reserved, to the Government of that Empire.

## ARTICLE VI.

It is, however, agreed, that vessels of the United States arriving at any port of Japan open to foreign commerce, may unload, in conformity with the customs laws of that country, such portions of their cargoes as may be desired, and that they may depart with the remainder, without paying any duties, imposts or charges whatsoever, except for that part which shall have been landed, and which shall be so noted on the manifest. The said vessels may continue their voyage to one or more other open ports of Japan, there to land the part or residue of their cargoes, desired to be landed at such port or ports. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, are to be paid only at the first port where they shall break bulk or unload part of their cargo; and that at any subsequent port used in the same voyage only the local port charges shall be exacted for the use of such port.

## ARTICLE VII.

In view of the concessions made by the United States in regard to the customs tariff, and the customs and other regulations of Japan, as above stipulated in Article I., the Government of Japan will, on the principle of reciprocity, make the following concessions, to wit: that two additional ports (whereof one shall be Shimono-seki, and the other shall be hereafter decided upon by the contracting parties jointly), from the date when the present convention may go into effect, shall be open to citizens and vessels of the United States, for the purposes of residence and trade.

## ARTICLE VIII.

It is also agreed that, as the occasion for Article V. of the treaty of 1858, or the fifth year of Ansei, between the two countries is considered to have passed away, that article shall, after the present treaty shall have gone into effect, be regarded as no longer binding.

## ARTICLE IX.

It is further agreed, that such of the provisions of the treaties or conventions heretofore concluded between the two countries and not herein expressly abrogated, as conflict with any provisions of the present convention are hereby revoked and annulled; that the present convention shall be considered to be and form a part of the existing treaties between the two countries; that the revision of such portions of the said treaties as are not modified or revoked by the present convention, as also the revision of the present convention itself, may be demanded hereafter by either of the high contracting parties; and that this convention, as well as the previous treaties as modified thereby, shall continue in force until, upon such a revision of the whole, or any part thereof, it shall be otherwise provided.

## ARTICLE X.

The present convention shall take effect when Japan shall have concluded such conventions or revisions of existing treaties with all the other treaty powers holding relations with Japan as shall be similar in effect to the present convention, and such new conventions or revisions shall also go into effect.

The present convention shall be ratified and the ratification shall be exchanged at Washington as soon as may be within fifteen months from the date hereof.

In faith whereof the above named Plenipotentiaries have hereunto set their hands and seals, at the city of Washington, this twenty-fifth day of July, one thousand eight hundred and seventy-eight, or twenty-fifth day of the seventh month of the eleventh year of Meiji.

WILLIAM MAXWELL EVARTS. [SEAL.]  
YOSHIDA KIYONARI. [SEAL.]

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1880.

CONVENTION FOR REIMBURSING SHIPWRECK EXPENSES.<sup>1</sup>

*Concluded May 17, 1880; ratification advised by the Senate March 23, 1881; ratified by the President April 7, 1881; ratifications exchanged June 16, 1881; proclaimed October 3, 1881. (Treaties and Conventions, 1889, p. 624.)*

The United States of America and the Empire of Japan being desirous of concluding an agreement providing for the reimbursement of certain specified expenses which may be incurred by either country in consequence of the shipwreck on its coasts of the vessels of the other, have resolved to conclude a special convention for this purpose, and have named as their Plenipotentiaries:

The President of the United States of America, John A. Bingham, their Envoy Extraordinary and Minister Plenipotentiary to His Imperial Majesty, and His Majesty the Emperor of Japan, Inouye Kaoru Sho-shii, Minister for Foreign Affairs and decorated with the 1<sup>st</sup> Class of the order of the Rising Sun, who after reciprocal communication of their full powers found in good and due form, have agreed as follows:

All expenses incurred by the Government of the United States for the rescue, clothing, maintenance and travelling of needy shipwrecked Japanese subjects, for the recovery of the bodies of the drowned, for the medical treatment of the sick and injured, unable to pay for such treatment, and for the burial of the dead, shall be repaid to the Government of the United States by that of Japan. And a similar course of procedure to the above shall be observed by the Government of the United States in the case of assistance being given by that of Japan to shipwrecked citizens of the United States.

But neither the Government of the United States nor that of Japan shall be responsible for the repayment of the expenses incurred in the recovery or preservation of a wrecked vessel or the property on board. All such expenses shall be a charge upon the property saved, and shall be repaid by the parties interested therein upon receiving delivery of the same.

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<sup>1</sup> See Article XI, p. 356.

No charge shall be made by the Government of the United States nor by that of Japan for the expenses of the Government officers, police or local functionaries who shall proceed to the wreck, for the travelling expenses of officers escorting the shipwrecked men, nor for the expenses of official correspondence. Such expenses shall be borne by the Government of the country, to which such officers police and local functionaries belong.

This convention shall be ratified by the respective Governments in due form of law, and the ratifications shall be exchanged at Washington as soon as may be. It shall take effect in the respective countries thirty days after the Exchange of said ratifications.

In witness whereof the respective Plenipotentiaries have hereunto affixed their signatures and seals.

Done, in duplicate in the English and Japanese languages at the City of Tokio, Japan, this 17<sup>th</sup> day of May in the year 1880. (17<sup>th</sup> day of the 5<sup>th</sup> month of the 13<sup>th</sup> year Meiji).

JOHN A. BINGHAM [SEAL.]  
INOUE KAORU [SEAL.]

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1886.

### EXTRADITION TREATY.

*Concluded April 29, 1886; ratification advised by the Senate with amendments June 21, 1886; ratified by the President July 13, 1886; ratifications exchanged September 27, 1886; proclaimed November 3, 1886. (Treaties and Conventions, 1889, p. 625.)*

#### ARTICLES.

- |                            |                             |
|----------------------------|-----------------------------|
| I. Delivery of accused.    | VI. Temporary detention.    |
| II. Extraditable crimes.   | VII. Delivery of citizens.  |
| III. Persons under arrest. | VIII. Expenses.             |
| IV. Political offenses.    | IX. Duration; ratification. |
| V. Procedure.              |                             |

The President of the United States of America and his Majesty the Emperor of Japan having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter named and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, they have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:

The President of the United States of America, Richard B. Hubbard, their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty, and His Majesty the Emperor of Japan Count Inoue Kaoru, Jinsammi, His Imperial Majesty's Minister of State for Foreign Affairs, First Class of the Order of the Rising Sun &c. &c. &c. who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

#### ARTICLE I.

The High Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Treaty, all persons, who being accused or convicted of one of the crimes or



offences named below in Article II, and committed within the jurisdiction of the one Party, shall be found within the jurisdiction of the other Party.

#### ARTICLE II.

1. Murder, and assault with intent to commit murder.
2. Counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money; counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit of either of the parties, and the utterance or circulation of the same.
3. Forgery or altering, and uttering what is forged or altered.
4. Embezzlement or criminal malversation of the public funds, committed within the jurisdiction of either party, by public officers or depositaries.
5. Robbery.
6. Burglary, defined to be the breaking and entering by night-time into the house of another person with the intent to commit a felony therein; and the act of breaking and entering the house of another, whether in the day or night-time, with the intent to commit a felony therein.
7. The act of entering, or of breaking and entering, the offices of the Government and public authorities, or the offices of banks, banking-houses, savings-banks, trust companies, insurance or other companies, with the intent to commit a felony therein.
8. Perjury, or the subornation of perjury.
9. Rape.
10. Arson.
11. Piracy by the law of nations.
12. Murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship bearing the flag of the demanding country.
13. Malicious destruction of, or attempt to destroy, railways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life.

#### ARTICLE III.

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition or to proceed with the trial: Provided that, unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

#### ARTICLE IV.

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offence of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for any political offence committed previously to his extradition, or for any offense other than that in respect of which the extradition is granted.

#### ARTICLE V.

The requisition for extradition shall be made through the diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, by superior consular officers

If the person whose extradition is requested shall have been convicted of a crime, a copy of the sentence of the court in which he was convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Japan, as the case may be, shall accompany the requisition. When the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country making the demand and of the depositions on which such warrant may have been issued, must accompany the requisition.

The fugitive shall be surrendered only on such evidence of criminality as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime had been there committed.

#### ARTICLE VI.

On being informed by telegraph or other written communication through the diplomatic channel, that a lawful warrant has been issued by competent authority upon probable cause for the arrest of a fugitive criminal charged with any of the crimes enumerated in Article II of this Treaty, and, on being assured from the same source that a request for the surrender of such criminal is about to be made in accordance with the provisions of this Treaty, each Government will endeavor to procure so far as it lawfully may the provisional arrest of such criminal, and keep him in safe custody for a reasonable time, not exceeding two months, to await the production of the documents upon which the claim for extradition is founded.

#### ARTICLE VII.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention, but they shall have the power to deliver them up if in their discretion it be deemed proper to do so.

#### ARTICLE VIII.

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has requested the extradition.

#### ARTICLE IX.

The present Treaty shall come into force sixty days after the exchange of the ratifications thereof. It may be terminated by either of them, but shall remain in force for six months after notice has been given of its termination.

The treaty shall be ratified, and the ratifications shall be exchanged at Washington, as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty in duplicate and have thereunto affixed their seals.

Done at the city of Tokio, the Twenty-ninth day of April, in the eighteen hundred and eighty-sixth year of the Christian Era, corresponding to the Twenty-ninth day of the Fourth month, of the Nineteenth year of Meiji.

[SEAL.]  
[SEAL.]

RICHARD B. HUBBARD.  
INOUE KAORU.

1894.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded November 22, 1894; ratification advised by the Senate with amendments February 5, 1895; ratified by the President February 15, 1895; ratifications exchanged March 21, 1895; proclaimed March 21, 1895. (U. S. Stats. Vol. 29, p. 848.)*

## ARTICLES.

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|--|--|
| I. Mutual freedom of trade, travel, etc.; taxes; exemptions. | XII. Nationality of vessels.                     |
| II. Commerce and navigation.                                 | XIII. Deserters from ships.                      |
| III. Inviolability of dwellings, etc.                        | XIV. Favored nation privileges.                  |
| IV. Import duties.   | XV. Consular officers.                           |
| V. Export duties.  | XVI. Patents, trade-marks, and designs.          |
| VI. Transit dues, etc.                                       | XVII. Abolition of foreign settlements in Japan. |
| VII. Equality of shipping.                                   | XVIII. Former treaties superseded.               |
| VIII. Tonnage, etc., dues.                                   | XIX. Date of taking effect.                      |
| IX. Port regulations.  | XX. Ratification.                                |
| X. Coasting trade.   | Proctocol.                                       |
| XI. Vessels in distress, shipwrecks, etc.                    |  |

The President of the United States of America and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective States, and being convinced that this object cannot better be accomplished than by revising the Treaties hitherto existing between the two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their Plenipotentiaries, that is to say:

The President of the United States of America, Walter Q. Gresham, Secretary of State of the United States, and His Majesty the Emperor of Japan, Jushii Shinichiro Kurino, of the Order of the Sacred Treasure, and of the Fourth Class; who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

## ARTICLE I.

The citizens or subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of the territories of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free access to the Courts of Justice in pursuit and defence of their rights; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such Courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each Contracting Party shall enjoy in the territories of the other the same privileges, liberties, and rights, and

shall be subject to no higher imposts or charges in these respects than native citizens or subjects or citizens or subjects of the most favored nation. The citizens or subjects of each of the Contracting Parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be paid by native citizens or subjects, or citizens or subjects of the most favored nation.

The citizens or subjects of either of the Contracting Parties residing in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

## ARTICLE II.

There shall be reciprocal freedom of commerce and navigation between the territories of the two High Contracting Parties.

The citizens or subjects of each of the High Contracting Parties may trade in any part of the territories of the other by wholesale or retail in all kinds of produce, manufactures, and merchandize of lawful commerce, either in person or by agents, singly or in partnership with foreigners or native citizens or subjects; and they may there own or hire and occupy houses, manufactories, warehouses, shops and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the laws, police and customs regulations of the country like native citizens or subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other, which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native citizens or subjects, or citizens or subjects of the most favored nation, without having to pay taxes, imposts or duties, of whatever nature or under whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations, or establishments of any kind, other or greater than those paid by native citizens or subjects, or citizens or subjects of the most favored nation.

It is, however, understood that the stipulations contained in this and the preceding Article do not in any way affect the laws, ordinances and regulations with regard to trade, the immigration of laborers, police and public security which are in force or which may hereafter be enacted in either of the two countries.

## ARTICLE III.

The dwellings, manufactories, warehouses, and shops of the citizens or subjects of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws, ordinances and regulations for citizens or subjects of the country.

#### ARTICLE IV.

No other or higher duties shall be imposed on the importation into the territories of the United States of any article, the produce or manufacture of the territories of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the territories of His Majesty the Emperor of Japan of any article, the produce or manufacture of the territories of the United States, from whatever place arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the territories of either of the High Contracting Parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

#### ARTICLE V.

No other or higher duties or charges shall be imposed in the territories of either of the High Contracting Parties on the exportation of any article to the territories of the other than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two High Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like article to any other country.

#### ARTICLE VI.

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other exemption from all transit duties, and a perfect equality of treatment with native citizens or subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

#### ARTICLE VII.

All articles which are or may be legally imported into the ports of the territories of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in vessels of the United States, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels; and, reciprocally, all articles which are or may be legally imported into the ports of the territories of the United States in vessels of the United States may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were



imported in vessels of the United States. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the territories of either of the High Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Japanese vessels or in vessels of the United States, and whatever may be the place of destination, whether a port of either of the High Contracting Parties or of any third Power.

#### ARTICLE VIII.

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the territories of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favored nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

#### ARTICLE IX.

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbors or rivers of the territories of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

#### ARTICLE X.

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the laws, ordinances and regulations of the United States and Japan, respectively. It is, however, understood that citizens of the United States in the territories of His Majesty the Emperor of Japan and Japanese subjects in the territories of the United States, shall enjoy in this respect the rights which are, or may be, granted under such laws, ordinances and regulations to the citizens or subjects of any other country.

A vessel of the United States laden in a foreign country with cargo destined for two or more ports in the territories of His Majesty the Emperor of Japan, and a Japanese vessel laden in a foreign country with cargo destined for two or more ports in the territories of the United States, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the laws and customs regulations of the two countries.



The Japanese Government, however, agrees to allow vessels of the United States to continue, as heretofore, for the period of the duration of the present Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisuminato.

#### ARTICLE XI.<sup>1</sup>

Any ship-of-war or merchant vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in the port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any ship-of-war or merchant-vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul General, Consul, Vice-Consul, or Consular Agent of the district, of the occurrence, or if there be no such consular officers, they shall inform the Consul General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels, wrecked or cast on shore in the territorial waters of the United States, shall take place in accordance with the laws of the United States, and, reciprocally, all measures of salvage relative to vessels of the United States, wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan, shall take place in accordance with the laws, ordinances, and regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls General, Consuls, Vice-Consuls, or Consular Agents upon being claimed by them within the period fixed by the laws, ordinances and regulations of the country, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of the wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs unless cleared for consumption, in which case they shall pay the ordinary duties.

When a vessel belonging to the citizens or subjects of one of the High Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the citizens

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<sup>1</sup> See Convention of 1880, p. 348.

or subjects of the respective States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

#### ARTICLE XII.

All vessels which, according to United States law, are to be deemed vessels of the United States, and all vessels which, according to Japanese law, are to be deemed Japanese vessels, shall, for the purposes of this Treaty, be deemed vessels of the United States and Japanese vessels, respectively.

#### ARTICLE XIII.

The Consuls General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties, residing in the territories of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the citizens or subjects of the country where the desertion takes place.

#### ARTICLE XIV.

The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favor or immunity which either High Contracting Party has actually granted, or may hereafter grant, to the Government, ships, citizens or subjects of any other State, shall be extended to the Government, ships, citizens, or subjects of the other High Contracting Party, gratuitously, if the concession in favor of that other State shall have been gratuitous, and on the same or equivalent conditions if the concession shall have been conditional; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other upon the footing of the most favored nation.

#### ARTICLE XV.

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents, in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the High Contracting Parties without being made likewise in regard to every other Power.

The Consuls General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favored nation.

#### ARTICLE XVI.<sup>1</sup>

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks and designs, upon fulfilment of the formalities prescribed by law.

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<sup>1</sup> In effect March 8, 1897; see p. 360.

## ARTICLE XVII.

The High Contracting Parties agree to the following arrangement:—

The several Foreign Settlements in Japan shall, from the date this Treaty comes into force, be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan. The competent Japanese Authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such Settlements shall at the same time be transferred to the said Japanese Authorities.

When such incorporation takes place existing leases in perpetuity upon which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property. It is, however, understood that the Consular Authorities mentioned in the same are in all cases to be replaced by the Japanese Authorities. All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said Settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

## ARTICLE XVIII.

This treaty shall, from the date it comes into force, be substituted in place of the Treaty of Peace and Amity concluded on the 3<sup>d</sup> day of the 3<sup>d</sup> month of the 7<sup>th</sup> year of Kayei, corresponding to the 31<sup>st</sup> day of March, 1854; the Treaty of Amity and Commerce concluded on the 19<sup>th</sup> day of the 6<sup>th</sup> month of the 5<sup>th</sup> year of Ansei, corresponding to the 29<sup>th</sup> day of July, 1858; the Tariff Convention concluded on the 13<sup>th</sup> day of the 5<sup>th</sup> month of the 2<sup>nd</sup> year of Keio, corresponding to the 25<sup>th</sup> day of June, 1866; the Convention concluded on the 25<sup>th</sup> day of the 7<sup>th</sup> month of the 11<sup>th</sup> year of Meiji, corresponding to the 25<sup>th</sup> day of July, 1878, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Treaties, Conventions, Arrangements and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by Courts of the United States in Japan and all the exceptional privileges, exemptions and immunities then enjoyed by citizens of the United States as a part of, or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

## ARTICLE XIX.

This Treaty shall go into operation on the 17<sup>th</sup> day of July, 1899, and shall remain in force for the period of twelve years from that date.

Either High Contracting Party shall have the right, at any time thereafter to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

## ARTICLE XX.

This Treaty shall be ratified, and the ratifications thereof shall be exchanged, either at Washington or Tokio, as soon as possible and not later than six months after its signature.

In witness whereof the respective Plenipotentiaries have signed the present Treaty in duplicate and have thereunto affixed their seals.

Done at the City of Washington the 22<sup>d</sup> day of November in the eighteen hundred and ninety-fourth year of the Christian era, corresponding to the 22<sup>d</sup> day of the 11<sup>th</sup> month of the 27<sup>th</sup> year of Meiji.

WALTER Q. GRESHAM [SEAL]  
SHINICHIRO KURINO. [SEAL]

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 PROTOCOL.

The Government of the United States of America and the Government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:—

1. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day the Import Tariff now in operation in Japan in respect of goods and merchandize imported into Japan by citizens of the United States shall cease to be binding. From the same date the General Statutory Tariff of Japan shall, subject to the provisions of Article IX of the Treaty of March 31, 1854, at present subsisting between the Contracting Parties, so long as said Treaty remains in force, and, thereafter, subject to the provisions of Article IV and Article XIV of the Treaty signed this day, be applicable to goods and merchandize being the growth, produce or manufacture of the Territories of the United States upon importation into Japan.

But nothing contained in this Protocol shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs or any other indecent or obscene articles; articles in violation of the patent, trade-mark or copy-right laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

2. The Japanese Government, pending the opening of the country to citizens of the United States, agrees to extend the existing passport system in such a manner as to allow citizens of the United States, on the production of a certificate of recommendation from the Representative of the United States at Tokio, or from any of the Consuls of the United States at the open ports of Japan, to obtain upon application passports available for any part of the country and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tokio, or from the Chief Authorities in the Prefecture in which an open port is situated, it being understood that the existing Rules and Regulations governing citizens of the United States who visit the interior of the Empire are to be maintained.

3. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day, and that when the said Treaty is ratified the agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is agreed that this Protocol shall terminate at the same time the said Treaty ceases to be binding.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their seals.

Done at Washington the 22<sup>d</sup> day of November in the eighteen hundred and ninety-fourth year of the Christian era, corresponding to the 22<sup>d</sup> day of the 11<sup>th</sup> month of the 27<sup>th</sup> year of Meiji.

WALTER Q. GRESHAM [SEAL]  
SHINICHIRO KURINO [SEAL]

1897.

## CONVENTION AS TO PATENTS, TRADE-MARKS, AND DESIGNS.

*Concluded January 13, 1897; ratification advised by the Senate February 1, 1897; ratified by the President February 2, 1897; ratifications exchanged March 8, 1897; proclaimed March 9, 1897. (U. S. Stats. Vol. 29, p. 860.)*

The President of the United States of America and His Majesty the Emperor of Japan, being desirous of securing immediate reciprocal protection for patents, trade-marks and designs, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States, the Honorable Richard Olney, Secretary of State of the United States; and His Majesty the Emperor of Japan, Toru Hoshi, Jushii, His Majesty's Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

Article XVI<sup>1</sup> of the Treaty of Commerce and Navigation between the United States of America and Japan concluded at Washington on the twenty-second day, the eleventh month, the twenty-seventh year of Meiji, corresponding to the twenty-second day of November, eighteen hundred and ninety-four of the Christian Era, shall have full force and effect from the date of the exchange of ratifications of this convention.

The present convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the Emperor of Japan in the usual manner; and the ratifications shall be exchanged at Tokyo as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed this convention and have thereunto affixed their seals.

Done, in duplicate original, at Washington, this thirteenth day of January in the one thousand eight hundred and ninety seventh year of the Christian Era.

RICHARD OLNEY	[SEAL]
TORU HOSHI	[SEAL]

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<sup>1</sup> See Article XVI, p. 357.

# KONGO.

1891.

## TREATY OF AMITY, COMMERCE, AND NAVIGATION.

*Concluded January 24, 1891; ratification advised by the Senate January 11, 1892; ratified by the President January 19, 1892; ratifications exchanged February 2, 1892; proclaimed April 2, 1892. (U. S. Stats. Vol. 27, p. 926.)*

### ARTICLES.

- |  |                                     |
|--|-------------------------------------|
| I. Freedom of commerce and navigation. | IX. (Not agreed to.)                |
| II. Property rights.                   | X. Import duties.                   |
| III. Exemptions of service.            | XI. Most favored nation privileges. |
| IV. Religious freedom.                 | XII. Other privileges.              |
| V. Consular officers.                  | XIII. Arbitration.                  |
| VI. Shipping privileges.               | XIV. Conditions.                    |
| VII. Transportation.                   | XV. Ratification.                   |
| VIII. Prohibitions.                    | Senate resolution of ratification.  |

The United States of America, and  
His Majesty Leopold II, King of the Belgians, Sovereign of the  
Independent State of the Congo,

desiring to perpetuate, confirm and encourage the relations of commerce and of good understanding existing already between the two respective countries by the conclusion of a treaty of amity, commerce, navigation and extradition, have for this purpose named as their respective plenipotentiaries, viz:

His Excellency, the President of the United States of America,  
Edwin H. Terrell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near His Majesty the King of the Belgians; and

His Majesty, Leopold II King of the Belgians, Sovereign of the  
Independent State of the Congo,

Edm. Van Eetvelde, Administrator Général of the Département of Foreign Affairs, Officer of His order of Leopold,

who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

### ARTICLE I.

There shall be full, entire and reciprocal liberty of commerce, establishment and navigation between the citizens and inhabitants of the two High contracting Parties.

The citizens and inhabitants of the United States of America in the Independent State of the Congo and those of the Independent State of the Congo in the United States of America shall have reciprocally the right, on conforming to the laws of the country, to enter, travel



and reside in all parts of their respective territories; to carry on business there; and they shall enjoy in this respect for the protection of their persons and their property the same treatment and the same rights as the natives, or the citizens and inhabitants of the most favored nation.

They can freely exercise their industry or their business, as well wholesale as retail, in the whole extent of the territories, without being subjected, as to their persons or their property, or by reason of their business, to any taxes, general or local, imposts or conditions whatsoever other or more onerous than those which are imposed or may be imposed upon the natives other than non-civilized aborigines, or upon the citizens and inhabitants of the most favored nation.

In like manner they will enjoy reciprocally the treatment of the most favored nation in all that relates to rights, privileges, exemptions and immunities whatsoever concerning their persons or their property, and in the matter of commerce, industry and navigation.

#### ARTICLE II.

In all that concerns the acquisition, succession, possession and alienation of property, real and personal, the citizens and inhabitants of each of the High contracting Parties shall enjoy in the territories of the other all the rights which the respective laws accord or shall accord in those territories to the citizens and inhabitants of the most favored nation.

#### ARTICLE III.

The citizens and inhabitants of each of the High contracting Parties shall be exempt, in the territories of the other, from all personal service in the army, navy or militia and from all pecuniary contributions in lieu of such, as well as from all obligatory official functions whatever, except the obligation of sitting, within a radius of one hundred kilometres from the place of their residence, as a juror in judicial proceedings; furthermore, their property shall not be taken for the public service without an ample and sufficient compensation.

They shall have free access to the courts of the other, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of their rights, in all the degrees of jurisdiction established by law. They can be represented by lawyers, and they shall enjoy, in this respect, and in what concerns domiciliary visits to their houses, manufactories, stores, warehouses, etc., the same rights and the same advantages which are or shall be granted to the citizens and inhabitants of the most favored nation, or to natives.

#### ARTICLE IV.

The citizens and inhabitants of the two countries shall enjoy, in the territory of the other, a full and entire liberty of conscience. They shall be protected in the free exercise of their worship; they shall have the right to erect religious edifices and to organize and maintain missions.

#### ARTICLE V.

It will be lawful for the two High contracting Parties to appoint and establish consuls, vice-consuls, deputy-consuls, consular agents and commercial agents in the territories of the other; but none of these agents can exercise his functions before having received the necessary *exequatur* from the Government to which he is delegated.

The said agents of each of the two High contracting Parties shall enjoy, in the territories of the other, upon the footing of a complete reciprocity, all the privileges, immunities and rights which are actually granted to those of the most favored nation or which may be accorded to them hereafter.

The said agents, citizens or inhabitants of the State by which they are appointed, shall not be subject to preliminary arrest, except in the case of acts qualified as crimes by the local legislation and punished as such. They shall be exempt from military billeting and from service in the army, navy or militia, as well as from all direct taxes, unless these should be due on account of real estate, or unless the said agents should exercise a profession or business of any kind.

The said agents can raise their national flag over their offices.

The consular offices shall be at all times inviolable. The local authorities can not invade them under any pretext. They can not in any case examine or seize the papers which shall be there deposited. The consular office can not, on the other hand, serve as place of asylum, and if an agent of the consular service is engaged in business, commercial or other, the papers relating to the consulate shall be kept separate.

The said agents shall have the right to exercise all the functions generally appertaining to consuls, especially in what concerns the legalization of private and public documents, of invoices and commercial contracts, the taking of depositions and the right of authenticating legal acts and documents.

The said agents shall have the right to address the administrative and judicial authorities of the country in which they exercise their functions in order to complain of any infraction of the treaties or conventions existing between the two Governments, and for the purpose of protecting the rights and interests of the citizens and inhabitants of their country. They shall have also the right to settle all differences arising between the captains or the officers and the sailors of the sea-vessels of their nation. The local authorities shall abstain from interfering in these cases unless the maintenance of the public tranquility requires it, or, unless their assistance should be asked by the consular authority in order to assure the execution of its decisions.

The local authorities will give to the said agents and, on their default to the captains or their casual representatives, all aid for the search and arrest of sailor-deserters, who shall be kept and guarded in the prisons of the State upon the requisition and at the expense of the consuls or of the captains during a maximum delay of two months.

#### ARTICLE VI.

The citizens and inhabitants of each of the High contracting Parties shall have reciprocally, according to the same rights and conditions and with the same privileges as those of the most favored nation, the right to enter with their vessels and cargoes into all the ports and to navigate upon all the rivers and interior waters of the other State.

The vessels of each of the contracting Parties and of its citizens or inhabitants can freely navigate upon the waters of the territory of the other, without being subject to any other tolls, charges or obligations than those which the vessels belonging to the citizens or inhabitants of the most favored nation would have to bear.

There will not be imposed by either of the contracting Parties upon the vessels belonging to the other or to the citizens or inhabitants of the other, in the matter of tonnage, port charges, pilotage, lighthouses

and quarantine dues, salvage of vessels and other administrative expenses whatsoever concerning navigation, any taxes or charges whatever, other or higher than those which are or shall be imposed upon the public or private vessels of the most favored nation.

It is agreed that every vessel belonging to one of the High contracting Parties or to a citizen or inhabitant of one of them, having the right to bear the flag of that country and having the right to its protection, both according to the laws of that country, shall be considered as a vessel of that nationality.

#### ARTICLE VII.

In what concerns the freight and facilities of transportation, and tolls, the merchandise belonging to the citizens or inhabitants of one of the contracting States transported over the roads, railroads and waterways of the other State, shall be treated on the same footing as the merchandise belonging to the citizens or inhabitants of the most favored nation.

#### ARTICLE VIII.

In the territories of neither of the High contracting Parties, shall there be established or enforced a prohibition against the importation, exportation or transit of any article of legal commerce, produced or manufactured in the territories of the other, unless this prohibition shall equally and at once be extended to all other nations.

#### ARTICLE IX.

[Stricken out by the Senate. (Extradition provisions.)]

#### ARTICLE X.

The Republic of the United States of America, recognizing that it is just and necessary to facilitate to the Independent State of the Congo the accomplishment of the obligations which it has contracted by virtue of the General Act of Brussels of July 2<sup>nd</sup>, 1890, admits, so far as it is concerned, that import duties may be collected upon merchandise imported into the said State.

The tariff of these duties can not go beyond 10% of the value of the merchandise at the port of importation, during fifteen years to date from July 2<sup>nd</sup>, 1890, except for spirits, which are regulated by the provisions of Chapter VI of the General Act of Brussels.

At the expiration of this term of fifteen years, and in default of a new accord, the United States of America will be replaced, as to the Independent State of the Congo, in the situation which existed prior to July 2<sup>nd</sup>, 1890; the right to impose import duties to a maximum of 10% upon merchandise imported into the said State remaining acquired to it, on the conditions and within the limitations determined in articles XI and XII of this treaty.

#### ARTICLE XI.

The United-States shall enjoy in the Independent State of the Congo, as to the import duties, all the advantages accorded to the most favored nation.

It has been agreed besides:

1. That no differential treatment nor transit duty can be established;
2. That, in the application of the tariff *régime* which will be introduced, the Congo State will apply itself to simplify as far as possible, the formalities and to facilitate the operations of commerce.

#### ARTICLE XII.

Considering the fact that in Article X of the present treaty, the United-States of America have given their assent to the establishment of import duties in the Independent State of the Congo under certain conditions, it is well understood that the said Independent State of the Congo assures to the flag, to the vessels, to the commerce and to citizens and inhabitants of the United States of America, in all parts of the territories of that State, all the rights, privileges and immunities concerning import and export duties, tariff *régime*, interior taxes and charges and, in a general manner, all commercial interests, which are or shall be accorded to the signatory Powers of the Act of Berlin, or to the most favored nation.

#### ARTICLE XIII.

In case a difference should arise between the two High contracting Parties as to the validity, interpretation, application or enforcement of any of the provisions contained in the present treaty, and it could not be arranged amicably by diplomatic correspondence between the two Governments, these last agree to submit it to the judgment of an arbitration tribunal, the decision of which they bind themselves to respect and execute loyally.

The tribunal will be composed of three members. Each of the two High contracting Parties will designate one of them, selected outside of the citizens and the inhabitants of either of the contracting States and of Belgium. The High contracting Parties will ask, by common accord, a friendly Government to appoint the third arbitrator, to be selected equally outside of the two contracting States and of Belgium.

If an arbitrator should be unable to sit by reason of death, resignation or for any other cause, he shall be replaced by a new arbitrator whose appointment shall be made in the same manner as that of the arbitrator whose place he takes.

The majority of arbitrators can act in case of the intentional absence or formal withdrawal of the minority. The decision of the majority of the arbitrators will be conclusive upon all questions to be determined.

The general expenses of the arbitration procedure will be borne, in equal parts, by the two High contracting Parties; but the expenses made by either of the parties for preparing and setting forth its case will be at the cost of that party.

#### ARTICLE XIV.

It is well understood that if the declaration on the subject of the import duties, signed July 2<sup>nd</sup>, 1890, by the signatory Powers of the Act of Berlin, should not enter into force, in that case, the present treaty would be absolutely null and without effect.

## ARTICLE XV.

The present treaty shall be subject to the approval and the ratification, on the one hand, of the President of the United-States, acting by the advice and with the consent of the Senate, and on the other hand, of His Majesty the King of the Belgians, Sovereign of the Independent State of the Congo.

The ratifications of the present treaty shall be exchanged at the same time as those of the General Act of Brussels of July. 2<sup>nd</sup>, 1890, and it will enter into force at the same date as the latter.

In faith of which the respective Plenipotentiaries of the High contracting Parties have signed the present treaty in duplicate, in English and in French, and have attached thereto their seals.

Done at Brussels the twenty fourth day of the month of January of the year Eighteen hundred and ninety one.

EDWIN H. TERRELL.

[SEAL.]

EDM. VAN EETVELDE.

[SEAL.]

# KOREA.

1882.

## TREATY OF PEACE, AMITY, COMMERCE AND NAVIGATION.

*Concluded May 22, 1882; ratification advised by the Senate January 9, 1883; ratified by the President February 13, 1883; ratifications exchanged May 19, 1883; proclaimed June 4, 1883. (Treaties and Conventions, 1889, p. 216.)*

### ARTICLES.

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|---|--|
| I. Amity.                                     | VIII. Exportation of breadstuffs and ginseng prohibited. |
| II. Diplomatic and consular privileges.       | IX. Arms and ammunition.                                 |
| III. Asylum; shipwrecks.                      | X. Employing natives, etc.                               |
| IV. Protection in Korea; extraterritoriality. | XI. Privileges to students.                              |
| V. Shipping dues; imports.                    | XII. Duration.   |
| VI. Residence and travel.                     | XIII. Language of correspondence.                        |
| VII. Opium traffic.                           | XIV. Most favored nation privileges; ratification.       |

The United States of America and the Kingdom of Chosen, being sincerely desirous of establishing permanent relations of amity and friendship between their *respective peoples*, have to this end appointed—that is to say, the President of the United States—*R. W. Shufeldt, Commodore U. S. Navy*, as his Commissioner Plenipotentiary, and His Majesty, the King of Chosen, *Shin-Chen, President of the Royal Cabinet, Chin-Hong-Chi, Member of the Royal Cabinet*, as his Commissioners Plenipotentiary, who, having reciprocally examined their respective full Powers, which have been found to be in due form, have agreed upon the several following articles:

### ARTICLE I.

There shall be perpetual peace and friendship between the President of the United States and the King of Chosen and the *citizens and subjects* of their respective Governments.

If other Powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.

### ARTICLE II.

After the conclusion of this Treaty of amity and commerce, the High Contracting Powers may each appoint Diplomatic Representatives to reside at the Court of the other, and may each appoint *Consular Representatives* at the ports of the other, which are open to foreign commerce, at their own convenience.

These officials shall have relations with the corresponding local authorities of equal rank upon a basis of mutual equality.

The Diplomatic and Consular Representatives of the two Governments shall receive mutually all the privileges, rights and immunities without discrimination, which are accorded to the same class of representatives from the most favored nation.



Consuls shall exercise their functions only on receipt of an *exequatur* from the Government, to which they are accredited. Consular authorities shall be *bona fide* officials. No merchants shall be permitted to exercise the duties of the office, nor shall Consular officers be allowed to engage in trade. At ports, to which no Consular Representatives have been appointed, the Consuls of other Powers may be invited to act, provided, that no merchant shall be allowed to assume Consular functions, or the provisions of this Treaty may, in such case, be enforced by the local authorities.

If Consular Representatives of the United States in Chosen conduct their business in an improper manner, their *exequaturs* may be revoked, subject to the approval previously obtained, of the Diplomatic Representative of the United States.

### ARTICLE III.

Whenever United States vessels, either because of stress of weather, or by want of fuel or provisions cannot reach the nearest open port in Chosen, they may enter any port or harbor, either to take refuge therein, or to get supplies of wood, coal and other necessaries, or to make repairs, the expenses incurred thereby being defrayed by the ship's master. In such event the officers and people of the locality shall display their sympathy by rendering full assistance, and their liberality by furnishing the necessities required.

If a United States vessel carries on a clandestine trade at a port not open to foreign commerce, such vessel with her cargo shall be seized and confiscated.

If a United States vessel be wrecked on the coast of Chosen, the local authorities, on being informed of the occurrence, shall immediately render assistance to the crew, provide for their present necessities, and take the measures necessary for the salvage of the ship and the preservation of her cargo. They shall also bring the matter to the knowledge of the nearest Consular Representative of the the United States, in order that steps may be taken to send the crew home and to save the ship and cargo. The necessary expenses shall be defrayed either by the ship's master or by the United States.

### ARTICLE IV.

All citizens of the United States of America in Chosen, peaceably attending to their own affairs, shall receive and enjoy for themselves and everything appertaining to them the protection of the local authorities of the Government of Chosen, who shall defend them from all insult and injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law.

Subjects of Chosen, guilty of any criminal act towards citizens of the United States, shall be punished by the authorities of Chosen according to the laws of Chosen; and citizens of the United States, either on shore or in any merchant-vessel, who may insult, trouble or wound the persons or injure the property of the people of Chosen, shall be arrested and punished only by the Consul or other public functionary of the United States thereto authorized, according to the laws of the United States.

When controversies arise in the Kingdom of Chosen between citizens of the United States and subjects of His Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the two Governments of the United States and Chosen, that such cases shall be tried by the proper official of the nationality of the defendant, according to the laws of that nation. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial, and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interest of justice. If he so desires, he shall have the right to present, to examine and to cross-examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail.

It is however mutually agreed and understood between the High Contracting Powers, that whenever the King of Chosen shall have so far modified and reformed the statutes and judicial procedure of his Kingdom that, in the judgment of the United States, they conform to the laws and course of justice in the United States, the right of extritorial jurisdiction over United States citizens in Chosen shall be abandoned, and thereafter United States citizens, when within the limits of the Kingdom of Chosen, shall be subject to the jurisdiction of the native authorities.

#### ARTICLE V.

Merchants and merchant-vessels of Chosen visiting the United States for purposes of traffic, shall pay duties and tonnage-dues and all fees according to the Customs-Regulations of the United States, but no higher or other rates of duties and tonnage-dues shall be exacted of them, than are levied upon citizens of the United States or upon citizens or subjects of the most favored nation.

Merchants and merchant-vessels of the United States visiting Chosen for purposes of traffic, shall pay duties upon all merchandise imported and exported. The authority to levy duties is of right vested in the Government of Chosen. The tariff of duties upon exports and imports, together with the Customs-Regulations for the prevention of smuggling and other irregularities, will be fixed by the authorities of Chosen and communicated to the proper officials of the United States, to be by the latter notified to their citizens and duly observed.

It is however agreed in the first instance as a general measure, that the tariff upon such imports as are articles of daily use shall not exceed an *ad valorem* duty of ten *per centum*; that the tariff upon such imports as are luxuries, as for instance foreign wines, foreign tobacco, clocks and watches, shall not exceed an *ad valorem*-duty of thirty *per centum*, and that native produce exported shall pay a duty not to exceed five *per centum ad valorem*. And it is further agreed that the duty upon foreign imports shall be paid once for all at the port of entry, and that no other dues, duties, fees, taxes or charges of any sort shall be levied upon such imports either in the interior of Chosen or at the ports.

United States merchant-vessels entering the ports of Chosen shall pay tonnage-dues at the rate of five mace per ton, payable once in three months on each vessel, according to the Chinese calendar.

## ARTICLE VI.

Subjects of Chosen who may visit the United States shall be permitted to reside and to rent premises, purchase *land*, or to construct residences or warehouses in all parts of the country. They shall be freely permitted to pursue their various callings and avocations, and to traffic in all merchandise, raw and manufactured, that is not declared contraband by law. Citizens of the United States who may resort to the ports of Chosen which are open to foreign commerce, shall be permitted to reside at such open ports within the limits of the concessions and to lease buildings or land, or to construct residences or warehouses therein. They shall be freely permitted to pursue their various callings and avocations within the limits of the port, and to traffic in all merchandise, raw and manufactured, that is not declared contraband by law.

No coercion or intimidation in the acquisition of land or buildings shall be permitted, and the land-rent as fixed by the authorities of Chosen shall be paid. And it is expressly agreed that land so acquired in the open ports of Chosen still remains an integral part of the Kingdom, and that all rights of jurisdiction over persons and *property* within such areas remain vested in the authorities of Chosen, except in so far as such rights have been expressly relinquished by this Treaty.

American citizens are not permitted either to transport foreign imports to the interior for sale, or to proceed thither to purchase native produce. Nor are they permitted to transport native produce from one open port to another open port.

Violations of this rule will subject such merchandise to confiscation, and the merchant offending will be handed over to the Consular Authorities to be dealt with.

## ARTICLE VII.

The Governments of the United States and of Chosen mutually agree and undertake that subjects of Chosen shall not be permitted to import opium into any of the ports of the United States, and citizens of the United States shall not be permitted to import opium into any of the open ports of Chosen, to transport it from one open port to another open port, or to traffic in it in Chosen. This absolute prohibition which extends to vessels owned by the citizens or subjects of either Power, to foreign vessels employed by them, and to vessels owned by the citizens or subjects of either Power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of the United States and of Chosen, and offenders against it shall be severely punished.

## ARTICLE VIII.

Whenever the Government of Chosen shall have reason to apprehend a scarcity of food within the limits of the Kingdom, His Majesty may by Decree temporarily prohibit the export of all breadstuffs, and such Decree shall be binding on all citizens of the United States in Chosen upon due notice having been given them by the Authorities of Chosen through the proper officers of the United States; but it is to be understood that the exportation of rice and breadstuffs of every description is prohibited from the open port of Yin-Chuen.

Chosen having of old prohibited the exportation of red gingseng, if citizens of the United States clandestinely purchase it for export, it shall be confiscated and the offenders punished.

#### ARTICLE IX.

The purchase of cannon, small arms, swords, gunpowder, shot and all munitions of war is permitted only to officials of the Government of Chosen, and they may be imported by citizens of the United States only under a written permit from the authorities of Chosen. If these articles are clandestinely imported, they shall be confiscated and the offending party shall be punished

#### ARTICLE X.

The officers and people of either nation residing in the other, shall have the right to employ natives for all kinds of lawful work.

Should, however, subjects of Chosen, guilty of violation of the laws of the Kingdom, or against whom any action has been brought, conceal themselves in the residences or warehouses of United States citizens, or on board United States merchant-vessels, the Consular Authorities of the United States, on being notified of the fact by the local authorities, will either permit the latter to despatch constables to make the arrests, or the persons will be arrested by the Consular Authorities and handed over to the local constables.

Officials or citizens of the United States shall not harbor such persons.

#### ARTICLE XI.

Students of either nationality, who may proceed to the country of the other, in order to study the language, literature, laws or arts, shall be given all possible protection and assistance in evidence of cordial good will.

#### ARTICLE XII.

This being the first Treaty negotiated by Chosen, and hence being general and incomplete in its provisions, shall in the first instance be put into operation in all things stipulated herein. As to stipulations not contained herein, after an interval of five years, when the officers and the people of the two Powers shall have become more familiar with each others language, a further negotiation of commercial provisions and regulations in detail, in conformity with international law and without unequal discriminations on either part shall be had.

#### ARTICLE XIII.

This Treaty, and future official correspondence between the two contracting Governments shall be made, on the part of Chosen, in the Chinese language.

The United States shall either use the Chinese language, or, if English be used, it shall be accompanied with a Chinese version, in order to avoid misunderstanding.

#### ARTICLE XIV.

The High Contracting Powers hereby agree that, should at any time the King of Chosen grant to any nation or to the merchants or citizens of any nation, any right, privilege or favor, connected either with navigation, commerce, political or other intercourse, which is not conferred by this Treaty, such right, privilege and favor shall freely inure

to the benefit of the United States, its public officers, merchants and citizens, provided always, that whenever such right, privilege or favor is accompanied by any condition, or equivalent concession granted by the other nation interested, the United States, its officers and people shall only be entitled to the benefit of such right, privilege or favor upon complying with the conditions or concessions connected therewith.

In faith whereof the respective Commissioners Plenipotentiary have signed and sealed the foregoing at Yin-Chuen in English and Chinese, being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Yin-Chuen within one year from the date of its execution, and immediately thereafter this Treaty shall be in all its provisions publicly proclaimed and made known by both Governments in their respective countries, in order that it may be obeyed by their citizens and subjects respectively.

Chosen, May the 22<sup>nd</sup>, A. D. 1882.

[SEAL.]

R. W. SHUFELDT,

*Commodore, U. S. N., Envoy of the U. S. to Chosen.*

[SEAL.]

SHIN CHEN,

CHIN HONG CHI, } [*In Chinese.*]

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[Senate resolution advising ratification.]

IN EXECUTIVE SESSION,

SENATE OF THE UNITED STATES,

*January 9, 1883.*

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States and the Kingdom of Corea or Chosen, concluded on the 22<sup>nd</sup> of May 1882.

Resolved, That it is the understanding of the Senate in agreeing to the foregoing resolution, that the clause, "Nor are they permitted to transport native produce from one open port to another open port," in Article VI of said treaty, it is not intended to prohibit and does not prohibit American ships from going from one open port to another open port in Corea or Chosen to receive Corean cargo for exportation, or to discharge foreign cargo, and

Resolved, That the President be requested to communicate the foregoing interpretation of said clause to the Corean or Chosen government on the exchange of ratifications of said treaty, as the sense in which the United States understand the same.

Resolved further, That the Senate in advising and consenting to the treaty mentioned in the foregoing resolutions does not admit or acquiesce in any right or constitutional power in the President to authorize or empower any person to negotiate treaties or carry on diplomatic negotiations with any foreign power, unless such person shall have been appointed for such purpose or clothed with such power by and with the advice and consent of the Senate, except in the case of a Secretary of State or diplomatic officer appointed by the President to fill a vacancy occurring during the recess of the Senate, and it makes this declaration in order that the means employed in the negotiation of said treaty be not drawn into precedent.

Resolved, That the Secretary communicate all the foregoing resolutions to the President.

Attest:

F. E. SHOBER

*Acting Secretary*



# LEW CHEW.

1854.

## COMPACT OF FRIENDSHIP AND COMMERCE.

*Concluded July 11, 1854; ratification advised by the Senate March 3, 1855; ratified by the President March 9, 1855; proclaimed March 9, 1855. (Treaties and Conventions, 1889, p. 629.)*

Hereafter, whenever citizens of the United States come to Lew Chew, they shall be treated with great courtesy and friendship. Whatever Articles these people ask for, whether from the officers or people, which the Country can furnish, shall be sold to them; nor shall the authorities interpose any prohibitory regulations to the people selling, and whatever either party may wish to buy shall be exchanged at reasonable prices.

Whenever Ships of the United States shall come into any harbor in Lew Chew, they shall be supplied with Wood and Water, at reasonable prices, but if they wish to get other Articles, they shall be purchaseable only at Napa.

If Ships of the United States are wrecked on Great Lew Chew or on Islands under the jurisdiction of the Royal Government of Lew Chew, the local authorities shall dispatch persons to assist in saving life and property, and preserve what can be brought ashore till the Ships of that Nation shall come to take away all that may have been saved; and the expenses incurred in rescuing these unfortunate persons shall be refunded by the Nation they belong to.

Whenever persons from Ships of the United States come ashore in Lew Chew, they shall be at liberty, to ramble where they please without hindrance or having officials sent to follow them, or to spy what they do; but if they violently go into houses, or trifle with women, or force people to sell them things, or do other such like illegal acts, they shall be arrested by the local officers, but not maltreated, and shall be reported to the Captain of the Ship to which they belong for punishment by him.

At Tumai is a burial ground for the Citizens of the United States, where their graves and tombs shall not be molested.

The Government of Lew Chew shall appoint skillful pilots, who shall be on the lookout for Ships appearing off the Island, and if one is seen coming towards Napa, they shall go out in good boats beyond the reefs to conduct her in to a secure anchorage, for which service the Captain shall pay the pilot Five Dollars, and the same for going out of the harbor beyond the reefs.



Whenever Ships anchor at Napa, the officers shall furnish them with Wood at the rate of Three Thousand Six hundred Copper Cash per thousand catties; and with Water at the rate of 600 Copper Cash (43 cents) for one thousand catties, or Six barrels full, each containing 30 American Gallons.

Signed in the English and Chinese languages by Commodore Matthew C. Perry, Commander in Chief of the U. S. Naval Forces in the East India, China and Japan Seas, and Special Envoy to Japan, for the United States; and by Sho Fu fing, Superintendent of Affairs (Tsu li-kwan) in Lew Chew, and Ba Rio-si, Treasurer of Lew Chew, at Shni, for the Government of Lew-Chew, and copies exchanged, this 11<sup>th</sup> day of July, 1854, or the reign Hien fung, 4<sup>th</sup> year, 6<sup>th</sup> moon, 7<sup>th</sup> day, at the Town Hall of Napa.

M, C, PERRY  
SHO FU FING.  
BA RIO-SI.

# LIBERIA.

1862.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded October 21, 1862; ratification advised by the Senate January 9, 1863; ratified by the President January 12, 1863; ratifications exchanged February 17, 1863; proclaimed March 18, 1863. (Treaties and Conventions, 1889, p. 631.)*

### ARTICLES.

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| I. Amity.                          | VI. Most favored nation privileges. |
| II. Freedom of commerce.           | VII. Consuls.                       |
| III. No discrimination in vessels. | VIII. Noninterference in Liberia.   |
| IV. Imports and exports.           | IX. Ratification.                   |
| V. Shipwrecks and salvage.         |                                     |

The United States of America and the Republic of Liberia, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries have agreed for this purpose to conclude a treaty of commerce and navigation, and have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement: and to effect this they have named as their respective Plenipotentiaries, that is to say: The President of the United States of America, Charles Francis Adams, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of St. James: and The Republic of Liberia, His Excellency Stephen Allen Benson, President thereof, who after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

#### ARTICLE I.

There shall be perpetual peace and friendship between the United States of America and the Republic of Liberia, and also between the citizens of both countries.

#### ARTICLE II.

There shall be reciprocal freedom of commerce between the United States of America and the Republic of Liberia. The citizens of the United States of America may reside in, and trade to, any part of the territories of the Republic of Liberia to which any other foreigners are or shall be admitted. They shall enjoy full protection for their persons and properties, they shall be allowed to buy from and to sell to whom they like without being restrained or prejudiced by any

monopoly, contract, or exclusive privilege of sale or purchase whatever; and they shall, moreover enjoy all other rights and privileges which are or may be granted to any other foreigners, subjects or citizens of the most favored nation. The citizens of the Republic of Liberia shall, in return, enjoy similar protection and privileges in the United States of America and in their territories.

### ARTICLE III.

No tonnage, import, or other duties or charges shall be levied in the Republic of Liberia on United States vessels, or on goods imported or exported in United States vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels; and in like manner, no tonnage, import, or other duties or charges shall be levied in the United States of America and their Territories on the vessels of the Republic of Liberia, or on goods imported or exported in those vessels, beyond what are or may be levied on national vessels, or on the like goods imported or exported in national vessels.

### ARTICLE IV.

Merchandise or goods coming from the United States of America in any vessels, or imported in United States vessels from any country, shall not be prohibited by the Republic of Liberia, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels.

All articles the produce of the Republic of Liberia may be exported therefrom by citizens of the United States and United States vessels, on as favorable terms as by the citizens and vessels of any other foreign country.

In like manner all merchandise or goods coming from the Republic of Liberia in any vessels, or imported in Liberian vessels from any country, shall not be prohibited by the United States of America, nor be subject to higher duties than are levied on the same kinds of merchandise or goods coming from any other foreign country or imported in any other foreign vessels. All articles the produce of the United States, or of their territories, may be imported therefrom by Liberian citizens and Liberian vessels on as favorable terms as by the citizens and vessels of any other foreign country.

### ARTICLE V.

When any vessel of either of the contracting parties shall be wrecked, foundered, or otherwise damaged, on the coasts or within the territories of the other, the respective citizens shall receive the greatest possible aid as well for themselves as for their vessels and effects. All possible aid shall be given to protect their property from being plundered and their persons from ill treatment. Should a dispute arise as to the salvage, it shall be settled by arbitration, to be chosen by the parties respectively.

### ARTICLE VI.

It being the intention of the two contracting parties to bind themselves by the present Treaty to treat each other on the footing of the most favored nation, it is hereby agreed between them, that any favor,

privilege or immunity whatever in matters of Commerce and Navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the citizens of the other contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

#### ARTICLE VII.

Each contracting party may appoint Consuls for the protection of Trade, to reside in the dominions of the other; but no such Consul shall enter upon the exercise of his functions until he shall have been approved and admitted, in the usual form, by the Government of the country to which he is sent.

#### ARTICLE VIII.

The United States Government engages never to interfere, unless solicited by the Government of Liberia, in the affairs between the aboriginal inhabitants and the Government of the Republic of Liberia, in the jurisdiction and territories of the Republic. Should any United States citizen suffer loss in person or property from violence by the aboriginal inhabitants, and the Government of the Republic of Liberia should not be able to bring the aggressor to justice the United States Government engages, a requisition having been first made therefor by the Liberian Government, to lend such aid as may be required. Citizens of the United States residing in the territories of the Republic of Liberia are desired to abstain from all such intercourse with the aboriginal inhabitants as will tend to the violation of law and a disturbance of the peace of the country.

#### ARTICLE IX.

The present Treaty shall be ratified and the Ratifications exchanged at London within the space of nine months from the date hereof.

In testimony whereof the Plenipotentiaries before mentioned, have hereto, subscribed their names and affixed their seals.

Done at London the Twenty first day of October, in the year one thousand eight hundred and sixty two.

CHARLES FRANCIS ADAMS [SEAL.]  
STEPHEN ALLEN BENSON [SEAL.]

# LUBEC.

(SEE HANSEATIC REPUBLICS.)

## LUXEMBURG.

1883.

### EXTRADITION CONVENTION.

*Concluded October 29, 1883; ratification advised by the Senate July 4, 1884; ratified by the President July 5, 1884; ratifications exchanged July 14, 1884; proclaimed August 12, 1884. (Treaties and Conventions, 1889, p. 634.)*

#### ARTICLES.

- |                                     |                                       |
|-------------------------------------|---------------------------------------|
| I. Delivery of accused.             | VII. Procedure.                       |
| II. Extraditable crimes.            | VIII. Expenses.                       |
| III. Trials of persons surrendered. | IX. Limitations.                      |
| IV. Political offenses.             | X. Articles in possession of accused. |
| V. Delivery of citizens.            | XI. Duration; ratification.           |
| VI. Persons under arrest.           |                                       |

The United-States of America  
and

His Majesty the King of the Netherlands, Grand-Duke of Luxemburg,

having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offenses hereinafter enumerated, and being fugitives from justice, should, under certain circumstances be reciprocally delivered up, have resolved to conclude a convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America, Mr A. A. Sargent, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of Germany at Berlin;

and

His Majesty the King of the Netherlands, Grand-Duke of Luxemburg, Dr Paul Eyschen, His Director general of the Department of justice and Chargé d'Affaires of the Grand-Duchy of Luxemburg at Berlin, Chevalier of the 2<sup>nd</sup> class of the Order of the Golden Lion of the House of Nassau, Commander of the Order of the Crown of Oak and of that of the Lion of the Netherlands, etc, etc, etc.

Who, after having communicated to each other their respective full-powers, found in good and due form, have agreed upon and concluded the following articles:

#### ARTICLE I.

The Government of the United-States and the Government of Luxemburg mutually agree to deliver up persons who, having been charged as principals or accessories, with or convicted of any of the crimes

and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other. Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

## ARTICLE II.

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of the convention, with any of the following crimes:

1° Murder, comprehending the crimes designated in the penal Code of Luxemburg by the terms of parricide, assassination, poisoning and infanticide;

2° The attempt to commit murder;

3° Rape, or attempt to commit rape, bigamy, abortion;

4° Arson;

5° Piracy or mutiny on shipboard whenever the crew or part thereof shall have taken possession of the vessel by fraud or by violence against the commander;

6° The crime of burglary defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods by violence or putting him in fear; and the corresponding crimes punished by the laws of Luxemburg under the description of thefts committed in an inhabited house by night and by breaking in, by climbing or forcibly; and thefts committed with violence or by means of threats;

7° The crime of forgery by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign, or governmental acts;

8° The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank-notes, obligations, or, in general, anything being a title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps and marks of State and public administrations and the utterance thereof;

9° The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries;

10° Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed;

11° Wilful and unlawful destruction or obstruction of rail-roads which endangers human life;

12° Reception of articles obtained by means of one of the crimes or offenses provided for by the present convention,

Extradition may also be granted for the attempt to commit any of the crimes above enumerated, when such attempt is punishable by the laws of both contracting parties.

## ARTICLE III.

A person surrendered under this convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offense not provided for



by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned.

He may however be tried or punished for any crime or offense provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, and notice of the purpose to so try him, with specification of the offense charged, shall be given to the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in article 7 of this convention.

The consent of that Government shall be required for the extradition of the accused to a third country; nevertheless such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

#### ARTICLE IV.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offense or of one connected with such a crime or offense. A person who has been surrendered on account of one of the common crimes or offenses mentioned in article 2, shall consequently in no case be prosecuted and punished in the State to which his extradition has been granted on account of a political crime or offense committed by him previously to his extradition or on account of an act connected with such a political crime or offense, unless he has been at liberty to leave the country for one month after having been tried, and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign Government or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, shall not be considered a political offense or an act connected with such an offense.

#### ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

#### ARTICLE VI.

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for the commission of offenses in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

#### ARTICLE VII.

Requisitions of the surrender of fugitives from justice shall always be made through a diplomatic channel.

If the person whose extradition may be asked for shall have been convicted of a crime or offense, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal and

attestation of the official character of the judge by the proper executive authority; and of the latter by the minister or consul of the United States or by the minister or consul charged with the interests of Luxemburg, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The president of the United States or the proper authority in Luxemburg may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to the law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

#### ARTICLE VIII.

The expenses of the arrest, detention and transportation of the persons claimed shall be paid by the Government in whose name the requisition has been made.

#### ARTICLE IX.

Extradition shall not be granted in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed, has become barred by limitation, according to the laws of the country to which the requisition is addressed.

#### ARTICLE X.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

#### ARTICLE XI.

The present convention shall take effect thirty days after the exchange of ratifications.

It may be terminated by either of the contracting parties, but shall remain in force for six months after notice has been given for its termination.

It shall be ratified and its ratifications shall be exchanged as soon as possible.

In witness whereof the respective plenipotentiaries have signed the above articles, both in the English and French languages, and they have thereunto affixed their seals.

Done, in duplicate, at the city of Berlin, this 29<sup>th</sup> day of October, A. D. 1883.

A. A. SARGENT. [SEAL]  
PAUL EYSCHEN. [SEAL.]

## MADAGASCAR.

Madagascar having become a colony of France, the treaties of 1867 and 1881 have become obsolete.

1867.

### TREATY OF COMMERCE AND NAVIGATION.

*Concluded February 14, 1867; ratification advised by the Senate January 20, 1868; ratified by the President January 24, 1868; ratifications exchanged July 8, 1868; proclaimed October 1, 1868. (Treaties and Conventions, 1889, p. 638.)*

This treaty, consisting of seven articles, was superseded by the Treaty of 1881.

1881.

### TREATY OF FRIENDSHIP AND COMMERCE.

*Concluded May 13, 1881; ratification advised by the Senate February 27, 1883; ratified by the President March 10, 1883; ratifications exchanged March 12, 1883; proclaimed March 13, 1883. (Treaties and Conventions, 1889, p. 641.)*

This treaty, consisting of twelve articles, became obsolete when the sovereignty of France was extended over Madagascar.

## MASKAT.

(SEE MUSCAT.)

# MECKLENBURG-SCHWERIN.

(SEE NORTH GERMAN UNION.)

1847

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded December 9, 1847; ratification advised by the Senate May 18, 1848; ratified by the President May 20, 1848; proclaimed August 2, 1848. (Treaties and Conventions, 1889, p. 653.)*

### ARTICLES.

- |   |  |
|---|--|
| I. Freedom of commerce.                         | VIII. Duties on cotton, rice, tobacco and whale-oil. |
| II. Coasting trade.                             | IX. Consular officers and functions.                 |
| III. No preference to vessels importing.        | X. Trade and property rights.                        |
| IV. Shipwrecks.                                 | XI. Duration; increase of duties.                    |
| V. Extent of shipping privileges.               |  |
| VI. Duties on imports and exports.              |  |
| VII. Most favored nation commercial privileges. |  |

### DECLARATION.

Whereas a treaty of commerce and navigation between the United States of America and His Majesty the King of Hanover was concluded at Hanover on the tenth day of June One thousand eight-hundred and forty-six, by the Plenipotentiaries of the contracting Parties, and was subsequently duly ratified on the part of both Governments;<sup>1</sup>

And Whereas by the terms of the twelfth Article of the same the United States agree to extend all the advantages and privileges contained in the stipulations of the said treaty, to one or more of the other States of the Germanic confederation which may wish to accede to them by means of an official exchange of declarations, provided, that such State or States shall confer similar favors upon the United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations and obligations;

And whereas the Government of His Royal Highness the Grand-Duke of Mecklenburg-Schwerin has signified its desire to accede to the said treaty and to all the stipulations and provisions therein contained, as far as the same are or may be applicable to the two countries, and to become a party thereto and has expressed its readiness to confer similar favours upon the United States as an equivalent in all respects to those conferred by the Kingdom of Hanover.

And Whereas the Government of the Grand-Duchy of Mecklenburg-Schwerin in its anxiety to avoid the possibility of a misconception hereafter of the nature and extent of the favours differing essentially from those of Hanover, which it consents to bestow upon the United States, as well as for its own faithful observance of all the provisions of the said treaty, wishes the stipulations, conditions and obligations, imposed upon it; as also those which rest upon the United States, as explicitly stated, word for word in the English and German languages as contained in the following Articles:

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<sup>1</sup> See p. 288.

## ART: 1.

The High Contracting Parties agree, that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Grand Duchy of Mecklenburg-Schwerin, and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected whether the importation be made in a vessel of the United States or in a vessel of Mecklenburg-Schwerin.

And in like manner whatever kind of produce, manufacture or merchandise of any foreign country can be, from time to time lawfully imported into the Grand-Duchy of Mecklenburg-Schwerin in its own vessels may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected whether the importation be made in vessels of the one party or the other.

Whatever may be lawfully exported or reexported by one party in its own vessels to any foreign country, may in like manner be exported or reexported in the vessels of the other. And the same duties, bounties and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other, than are or shall be payable in the same ports by national vessels.

## ART: 2.

The preceding article is not applicable to the coasting trade and navigation of the High Contracting Parties, which are respectively reserved by each exclusively to its own subjects or citizens.

## ART: 3.

No priority or preference shall be given by either of the Contracting Parties, nor by any company, corporation or agent acting on their behalf, or under their authority in the purchase of any article of commerce lawfully imported, on account of or in reference to the national character of the vessel, whether it be of the one Party or of the other, in which such article was imported.

## ART: 4.

The ancient and barbarous right to wrecks of the sea shall remain entirely abolished with respect to the property belonging to the subjects or citizens of the High Contracting Parties.

When any vessel of either Party shall be wrecked, stranded or otherwise damaged on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happens.

They shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the operations of repair shall require that the whole, or any part of the cargo be unloaded, they shall pay no duties of custom, charges or fees, on the part which they shall reload and carry away, except such as are payable in the like case, by national vessels.

It is nevertheless understood, that if, whilst the vessel is under repair, the cargo shall be unladen, and kept in a place of deposit destined to receive goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully, due to the keepers of such warehouse.

ART: 5.

The privileges secured by the present treaty to the respective vessels of the High Contracting Parties shall only extend to such as are built within their respective territories, or lawfully condemned as prizes of war, or adjudged to be forfeited for a breach of the municipal laws of either of the High Contracting Parties, and belonging wholly to their subjects or citizens.

It is further stipulated that vessels of the Grand-Duchy of Mecklenburg-Schwerin may select their crews from any of the States of the Germanic Confederation, provided that the master of each be a subject of the Grand-Duchy of Mecklenburg-Schwerin.

ART: 6.

No higher or other duties shall be imposed on the importation into the United States of any articles, the growth, produce or manufacture of the Grand-Duchy of Mecklenburg-Schwerin, or of its fisheries, and no higher or other duties shall be imposed on the importation into the Grand-Duchy of Mecklenburg-Schwerin of any articles, the growth, produce and manufacture of the United States and of their fisheries, than are or shall be payable on the like articles being the growth, produce or manufacture of any other foreign country or of its fisheries.

No higher or other duties and charges shall be imposed in the United States on the exportation of any articles to the Grand-Duchy of Mecklenburg-Schwerin, or in Mecklenburg-Schwerin on the exportation of any articles to the United States, than such as are or shall be payable on the exportation of the like articles to any other foreign country.

No prohibition shall be imposed on the importation or exportation of any articles, the growth, produce or manufacture of the Grand-Duchy of Mecklenburg-Schwerin or of its fisheries, or of the United States or their fisheries from or to the ports of said Grand-Duchy, or of the said United States, which shall not equally extend to all other powers and states.

ART. 7.

The High Contracting Parties engage mutually not to grant any particular favor to other nations in respect of navigation and duties of customs, which shall not immediately become common to the Other Party, who shall enjoy the same freely, if the concession was freely made, or on allowing a compensation as near as possible, if the concession was conditional.

ART 8

In order to augment by all the means at its bestowal the commercial relations between the United States and Germany the Grand-Duchy of Mecklenburg-Schwerin agrees subject to the reservation in Article eleventh, to abolish the import-duty on raw cotton and Paddy, or rice in the husk, the produce of the United States; to levy no higher import-duty upon leaves, stems or strips of tobacco, imported in hogs-



heads or casks, than One Thaler and Two Schillings for one hundred pounds Hamburg weight (equal to seventy Cents United States currency and weight), to lay no higher import-duty upon rice imported in tierces or half tierces than twenty-five schillings for one hundred pounds Hamburg weight (equal to thirty-seven and a half Cents United States currency and weight), to lay no higher duty upon whale-oil, imported in Casks or Barrels, than twelve and a half Schillings per hundred pounds Hamburg weight (equal to eighteen and three quarters Cents United States currency and weight).

The Grand-Duchy of Mecklenburg-Schwerin further agrees to levy no higher Transit-duty on the aforementioned articles in their movement on the Berlin-Hamburg rail-road, than two Schillings per hundred pounds Hamburg weight (equal to three Cents United States currency and weight) and to levy no Transit-Duty on the above mentioned articles when conveyed through the ports of the country.—

It is understood however, that nothing herein contained shall prohibit the levying of a duty sufficient for control, which in no instance shall exceed on the two articles imported duty-free or those on transit one schilling per hundred Pounds Hamburg weight (equal to One Cent and a half United States Currency and Weight).

#### ART: 9.

The High Contracting Parties grant to Each other the liberty of having Each in the ports of the other, Consuls, vice-consuls, commercial-agents, and vice-commercial agents of their own appointment who shall enjoy the same privileges and powers as those of the most favoured nations; but if any of the said Consuls, shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

The Consuls, vice-consuls, commercial and vice-commercial-agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessel belonging to the nation, whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the Captain should disturb the order or tranquillity of the country; or the said consuls, vice-consuls, commercial agents or vice commercial-Agents should require their assistance, to cause their decisions to be carried into effect or supported.

It is however understood, that this species of judgment or arbitration, shall not deprive the contending parties of the right they have to resort on their return, to the judicial authority of their own country.

The said Consuls, vice-consuls, commercial-agents and vice-commercial-agents are authorized to require the assistance of the local authorities for the search, arrest and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the musterrolls of the crews, or by any other official documents, that such individuals formed part of the crews, and on this claim being thus substantiated the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, vice-consuls, commercial-agents or vice-commercial-agents, and may be confined in the public prisons, at the request and *cost of those* who shall claim them, in order to be sent to the vessels *to which they belong*, or to others of the same country. But if not

sent back within three months from the day of their arrest, they shall be set at liberty and shall not be again arrested for the same cause. However if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal, before which his case shall be pending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

ART: 10.

The subjects and citizens of the High Contracting Parties shall be permitted to sojourn and reside in all parts whatsoever of the said territories in order to attend to their affairs, and also to hire and occupy houses and warehouses for the purpose of their commerce, provided they submit to the laws, as well general as special, relative to the right of residing and trading.

Whilst they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business in all the territories subject to the jurisdiction of Each Party, as well in respect to the consignment and sale of their goods, by wholesale or retail, as with respect to the loading, unloading and sending off their ships, or to employ such agents and brokers as they may deem proper, they being in all these cases to be treated as the citizens or subjects of the country in which they reside, it being nevertheless understood, that they shall remain subject to the said laws and regulations also in respect to sales by wholesale or retail.

They shall have free access to the tribunals of justice in their litigious affairs on the same terms which are granted by the law and usage of country to native citizens or subjects, for which purpose they may employ in defence of their rights, such advocates, attorneys and other agents as they may judge proper.

The citizens or subjects of Each Party shall have power to dispose of their personal property within the jurisdiction of the other, by sale, donation, testament or otherwise.

Their personal representatives being citizens or subjects of the other Contracting Party shall succeed to their said personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves, or by others acting for them, at their will, and dispose of the same, paying such duty only as the inhabitants of the country wherein the said personal property is situated shall be subject to pay in like cases. In the case of the absence of the personal representatives, the same care shall be taken of the said property as would be taken of a property of a native in like case, until the lawful owner may take measures for receiving it.

If any question should arise among several claimants to which of them the said property belongs, the same shall be finally decided, by the laws and judges of the Country wherein it is situated.

Where, on the decease of any person, holding real estate within the territories of one Party, such real estate, would by the laws of the land descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all duties of detraction on the part of the Government of the respective States.

The capitals and effects which the citizens or subjects of the respective Parties, in changing their residence shall be desirous of removing from the place of their domicile shall likewise be exempt from all duties of detraction or emigration on the part of their respective Governments.

## ART: 11.

The present Treaty shall continue in force until the tenth of June, One thousand eight hundred and fifty-eight, and further until the end of twelve months after the Government of Mecklenburg-Schwerin on the one part, or that of the United States on the other part, shall have given notice of its intention of terminating the same, but upon the condition hereby expressly stipulated and agreed, that, if the Grand-Duchy of Mecklenburg-Schwerin shall deem it expedient or find it compulsory during the said term, to levy a duty on paddy or rice in the husk, or augment the duties upon leaves, strips or stems of tobacco, on whale-oil and rice, mentioned in Article VIII. (eighth) of the present treaty the Government of Mecklenburg-Schwerin shall give notice of one year to the Government of the United States before proceeding to do so; and at the expiration of that year or any time subsequently the Government of the United States shall have full power and right to abrogate the present treaty by giving a previous notice of six months to the Government of Mecklenburg-Schwerin or to continue it (at its option) in full force until the operation thereof shall have been arrested in the manner first specified in the present Article.

Now therefore the Undersigned L. de Lutzow, President of the privy Council and first Minister of His Royal Highness, on the part of Mecklenburg-Schwerin, and A. Dudley Mann, special Agent on the part of the United States, invested with full powers to this effect, found in good and due form, have this day signed in triplicate, and have exchanged this declaration. The effect of this agreement is hereby declared to be to establish the aforesaid treaty between the High Parties to this declaration, as fully and perfectly, to all intents and purposes, as if all the provisions therein contained, in the manner as they are above explicitly stated, had been agreed to in a separate treaty, concluded and ratified between them in the ordinary form.

In witness whereof the above named plenipotentiaries have hereto affixed their names and seals.

Done at Schwerin, this 9<sup>th</sup> (ninth) day of December, 1847.

A. DUDLEY MANN. [SEAL.]  
L. OF LUTZOW. [SEAL.]

## 1853.

November 26, 1853, the Grand Duchy of Mecklenburg-Schwerin acceded to the extradition treaty of 1852 between the United States and Prussia and other States of the Germanic Confederation, page 520.

## MECKLENBURG-STRELITZ.

(SEE NORTH GERMAN UNION.)

## 1853.

December 2, 1853, the Grand Duchy of Mecklenburg-Strelitz acceded to the extradition treaty of 1852 between the United States and Prussia *and other* States of the Germanic Confederation, page 520.

## MEXICO.

1828.

### TREATY OF LIMITS.

*Concluded January 12, 1828; ratification advised by the Senate April 4, 1832; ratified by the President April 5, 1832; ratifications exchanged April 5, 1832; proclaimed April 5, 1832. (Treaties and Conventions, 1889, p. 661.)*

This treaty of three articles confirmed the boundaries set out in the treaty with Spain, 1819, and provided for a commission to run the line, which was never appointed. The accession of Texas and the war with the United States and Mexico rendered the treaty inoperative.

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1831.

### TREATY OF LIMITS.

*Concluded April 5, 1831; ratification advised by the Senate April 4, 1832; ratified by the President April 5, 1832; ratifications exchanged April 5, 1832; proclaimed April 5, 1832. (Treaties and Conventions, 1889, p. 663.)*

This single article extended the time for the exchange of ratifications of the Treaty of 1828, and expired with it.

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1831.

### TREATY OF AMITY, COMMERCE, AND NAVIGATION.

*Concluded April 5, 1831; ratification advised by the Senate March 23, 1832; ratified by the President April 5, 1832; ratifications exchanged April 5, 1832; proclaimed April 5, 1832. (Treaties and Conventions, 1889, p. 664.)*

This treaty of thirty-four articles was suspended during the war between the United States and Mexico, 1846-47, but was revived in general by the Treaty of 1848, and finally denounced by Mexico November 30, 1881.

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1835.

## TREATY OF LIMITS.

*Concluded April 3, 1835; ratification advised by the Senate January 26, 1835; ratified by the President February 2, 1836; ratifications exchanged April 20, 1836; proclaimed April 21, 1836. (Treaties and Conventions, 1889, p. 675.)*

This single article extended the time for the appointment of the commission to fix the boundary provided for in the Treaty of 1828, but it was never appointed.

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1839.

## CLAIMS CONVENTION.

*Concluded April 11, 1839; ratification advised by the Senate March 17, 1840; ratified by the President April 6, 1840; ratifications exchanged April 7, 1840; proclaimed April 8, 1840. (Treaties and Conventions, 1889, p. 676.)*

By this treaty of fourteen articles a commission of four members and an umpire named by the King of Prussia was directed to be appointed to adjust the claims of United States citizens against Mexico. The commission held its first session in Washington, D. C., August 25, 1840, and terminated its duties February 25, 1842.

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Federal case: *Gill v. Oliver's Executors*, 11 How., 529.

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1843.

## CLAIMS CONVENTION.

*Concluded January 30, 1843; ratification advised by the Senate March 2, 1843; ratified by the President; ratifications exchanged March 29, 1843; proclaimed March 30, 1843. (Treaties and Conventions, 1889, p. 680.)*

This treaty of seven articles provided for the payment of the awards rendered by the commission under the Treaty of 1839.

1848.

## TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT.

## (TREATY OF GUADALUPE HIDALGO.)

*Concluded February 2, 1848; ratification advised by the Senate, with amendments, March 10, 1848; ratified by the President March 16, 1848; ratifications exchanged May 30, 1848; proclaimed July 4, 1848. (Treaties and Conventions, 1889, p. 681.)*

## ARTICLES.

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| <p>I. Declaration of peace.<br/>         II. Suspension of hostilities.<br/>         III. Withdrawal of troops, etc.<br/>         IV. Restoration of territory; evacuation; prisoners.<br/>         V. Boundary lines.<br/>         VI. Navigation of Gulf of California and lower Colorado River.<br/>         VII. Navigation of Gila and Bravo rivers.<br/>         VIII. Inhabitants of ceded territory.<br/>         IX. Acquiring United States citizenship.<br/>         X. (Stricken out.)<br/>         XI. Protection against Indians.<br/>         XII. Payment for ceded lands.<br/>         XIII. Payment of claims awarded against Mexico.</p> | <p>XIV. Discharge of all prior claims.<br/>         XV. Ascertainment of outstanding claims.<br/>         XVI. Fortifications.<br/>         XVII. Revival of former treaties.<br/>         XVIII. Supplies for United States troops occupying Mexico.<br/>         XIX. Imports during United States occupation.<br/>         XX. Duties on imports before restoration of Mexican customs authorities.<br/>         XXI. Arbitration of future disagreements.<br/>         XXII. Rules to be observed in case of war.<br/>         XXIII. Ratification.<br/>         Protocol.</p> |
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In the name of Almighty God:

The United States of America, and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony and mutual confidence, wherein the two Peoples should live, as good Neighbors, have for that purpose appointed their respective Plenipotentiaries; that is to say, The President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic; who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of Peace, arranged, agreed upon, and signed the following

Treaty of Peace, Friendship, Limits and Settlement between the United States of America and the Mexican Republic.

## ARTICLE I.

There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective

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Federal cases: Cross v. Harrison, 16 How., 164; Judson v. Corcoran, 17 How., 612; McKinney v. Saviego, 18 How., 235; U. S. v. Auguisola, 1 Wall., 352; U. S. v. Moreno, 1 Wall., 400; U. S. v. Yorba, 1 Wall., 412; Townsend v. Greeley, 5 Wall., 326; In re Atocha, 17 Wall., 439; Basse v. Brownsville, 22 Law. Ed., 420, 154 U. S. 610; Botiller v. Dominguez, 130 U. S. 238; Seabury v. Field, 1 McAllister, 1; Friedman v. Goodwin, 1 McAllister, 142; Tobin v. Walkinshaw, 1 McAllister, 186; Tripp v. Spring, 5 Sawy., 209; Atocha v. U. S., 8 Ct. Cl., 427; Crystal Springs Land and Water Co. v. Los Angeles, 76 Fed. Rep., 148; In re Rodriguez, 81 Fed. Rep., 337.



Countries, territories, cities, towns and people, without exception of places or persons.

#### ARTICLE II.

Immediately upon the signature of this Treaty, a convention shall be entered into between a Commissioner or Commissioners appointed by the General in Chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be reestablished, as regards the political, administrative and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

#### ARTICLE III.

Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the Commanders of their land and naval forces, requiring the latter, (provided this Treaty shall then have been ratified by the Government of the Mexican Republic and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the sea-ports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay: the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be dispatched to the persons in charge of the Custom Houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such Custom Houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this Treaty by the Government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the City of Mexico, within three months after the exchange of ratifications.

The evacuation of the Capital of the Mexican Republic by the Troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

#### ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the

present war, within the limits of the Mexican Republic, as about to be established by the following Article, shall be definitely restored to the said Republic; together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the Government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulation, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner, if possible: the Mexican Government hereby engaging, as in the foregoing Article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico; in such case a friendly arrangement shall be entered into between the General in Chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding thirty leagues shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season shall be understood to extend from the first day of May to the first day of November—

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following Article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

#### ARTICLE V.<sup>1</sup>

The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence, up the middle of that river, following the deepest channel, where it has more than one to the point where it strikes the Southern boundary of New Mexico; thence, westwardly along the whole Southern Boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should

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<sup>1</sup> See Article I, p. 404.

not intersect any branch of that river, then, to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence, across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this Article, are those laid down in the Map entitled "*Map of the United Mexican States, as organized and defined by various acts of the Congress of said Republic, and constructed according to the best authorities. Revised Edition. Published at New York in 1847 by J. Disturnell;*" of which Map a Copy is added to this Treaty, bearing the signatures and seals of the Undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line, drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the Port of San Diego, according to the plan of said port, made in the year 1782, by Don Juan Pantoja, second sailing Master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*; of which plan a Copy is hereunto added, signed and sealed by the respective Plenipotentiaries.

In order to designate the Boundary line with due precision upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present Article, the two Governments shall each appoint a Commissioner and a Surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the Port of San Diego, and proceed to run and mark the said Boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The Boundary line established by this Article shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own constitution.

#### ARTICLE VI.<sup>1</sup>

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the Boundary line defined in the preceding article: it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal or railway,

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<sup>1</sup> See Article IV, p. 405.

which should, in whole or in part, run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the Governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

#### ARTICLE VII<sup>1</sup>

The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth Article, divided in the middle between the two Republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right: not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

The stipulations contained in the present Article shall not impair the territorial rights of either Republic, within its established limits.

#### ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present Treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please; without their being subjected, on this account, to any contribution, tax or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But, they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty: and those who shall remain in the said territories, after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guarantees equally ample as if the same belonged to citizens of the United States.

#### ARTICLE IX.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into

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<sup>1</sup> See Article IV, p. 405.

the Union of the United States and be admitted, at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

#### ARTICLE X.

[Stricken out (Land Grants).]

#### ARTICLE XI.

This article was abrogated by Article II, treaty of December 30, 1853, page 405.

[Considering that a great part of the territories, which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive controul of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme; it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted: all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within it's own territory against it's own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States, to purchase or acquire any Mexican or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two Republics; nor to purchase or acquire horses, mules, cattle or property of any kind, stolen within Mexican territory by such Indians.

And, in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself in the most solemn manner, so soon as it shall know of such captives being within it's territory, and shall be able so to do, through the faithful exercise of it's influence and power, to rescue them, and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican Authorities will, as far as practicable, give to the Government of the United States notice of such captures; and it's agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives: who, in the mean time, shall be treated with the utmost hospitality by the American Authorities at the place where they may be. But if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within it's territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said Government, when providing for the removal of the Indians from any portion of the said territories, or for it's being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place it's Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.]

#### ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen Millions of Dollars.

Immediately after this Treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three Millions of



Dollars shall be paid to the said Government by that of the United States at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve Millions of Dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions, from the day of the ratification of the present treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

#### ARTICLE XIII.

The United States engage moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two Republics severally concluded on the eleventh day of April eighteen hundred and thirty-nine,<sup>1</sup> and on the thirtieth day of January eighteen hundred and forty three;<sup>1</sup> so that the Mexican Republic shall be absolutely exempt for the future, from all expense whatever on account of the said claims.

#### ARTICLE XIV.

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the Board of Commissioners provided for in the following Article, and whatever shall be the total amount of those allowed.

#### ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding Article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a Board of Commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive: provided that, in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth Articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November one thousand eight hundred and forty-three; and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

If, in the opinion of the said Board of Commissioners or of the claimants, any books, records or documents in the possession or power of the Government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the Commissioners, or the claimants, through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of

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<sup>1</sup> See p. 390.



State of the United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records or documents, so specified, which shall be in their possession or power, (or authenticated copies or extracts of the same) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said Board of Commissioners: provided that no such application shall be made, by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records or documents, shall have been stated under oath or affirmation.<sup>1</sup>

#### ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

#### ARTICLE XVII

The Treaty of Amity, Commerce and Navigation,<sup>2</sup> concluded at the city of Mexico on the fifth day of April A. D. 1831, between the United States of America and the United Mexican States, except the additional Article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

#### ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops, previous to the final evacuation thereof, although subsequently to the restoration of the Custom Houses at such ports, shall be entirely exempt from duties and charges of any kind: the Government of the United States hereby engaging and pledging its faith to establish and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles, other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation, which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto: and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

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<sup>1</sup> By act of March 3, 1849 (Vol. 9, p. 393), three commissioners were appointed to examine and adjust the claims provided for in this article. The commission organized April 16, 1849, and ended its labors April 15, 1851, allowing claims to the amount of \$3,208,314.96.

<sup>2</sup> See Treaty of 1831, p. 389.

## ARTICLE XIX.

With respect to all merchandise, effects and property whatsoever, imported into ports of Mexico, whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

I All such merchandise, effects and property, if imported previously to the restoration of the Custom Houses to the Mexican Authorities, as stipulated for in the third Article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

II. The same perfect exemption shall be enjoyed by all such merchandise, effects and property, imported subsequently to the restoration of the Custom Houses, and previously to the sixty days fixed in the following Article for the coming into force of the Mexican tariff at such ports respectively: the said merchandise, effects and property being, however, at the time of their importation, subject to the payment of duties as provided for in the said following Article.

III. All merchandise, effects and property, described in the two rules foregoing, shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

IV. All merchandise, effects and property, described in the first and second rules, which shall have been removed to any place in the interior, whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

V. But if any merchandise, effects or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases, if they had been imported in time of peace through the Maritime Custom Houses, and had there paid the duties, conformably with the Mexican tariff.

VI. The owners of all merchandise, effects or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost or contribution whatever.

With respect to the metals, or other property exported from any Mexican port, whilst in the occupation of the forces of the United States, and previously to the restoration of the Custom House at such port, no person shall be required by the Mexican Authorities, whether General or State, to pay any tax, duty or contribution upon any such exportation, or in any manner to account for the same to the said Authorities.

## ARTICLE XX.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the Custom Houses, conformably with the stipulation in the third Article, in such case, all

merchandise, effects and property whatsoever, arriving at the Mexican ports after the restoration of the said Custom Houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such Custom Houses, at the time of the restoration of the same. And to all such merchandise, effects and property, the rules established by the preceding Article shall apply.—

#### ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the Governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two Nations, the said Governments, in the name of those nations, do promise to each other, that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship, in which the two countries are now placing themselves: using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved, shall have maturely considered, in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of Commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

#### ARTICLE XXII.

If (which is not to be expected, and which God forbid!) war should unhappily break out between the two Republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules: absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible.

I. The merchants of either Republic, then residing in the other, shall be allowed to remain twelve months, (for those dwelling in the interior) and six months (for those dwelling at the sea-ports) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects, without molestation or hindrance: conforming therein to the same laws, which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue *their respective employments*, unmolested in their persons. Nor shall *their houses or goods* be burnt, or otherwise destroyed, nor their cattle

taken, nor their fields wasted, by the armed force, into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties and the pursuit of their vocations.

II. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But, if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished, by the party in whose power they are, with as many rations, and of the same articles as are allowed either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service: the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other: which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which its stipulations are to be sacredly observed as the most acknowledged obligations under the law of nature or nations.

#### ARTICLE XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof;

and by the President of the Mexican Republic, with the previous approbation of its General Congress: and the ratifications shall be exchanged in the city of Washington, or at the seat of Government of Mexico, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the respective plenipotentiaries, have signed this Treaty of Peace, Friendship, Limits and Settlement, and have hereunto affixed our seals respectively. Done in Quintuplicate at the City of Guadalupe Hidalgo, on the second day of February in the year of our Lord one thousand eight hundred and forty eight.

N. P. TRIST.	[SEAL.]
LUIS G. CUEVAS.	[SEAL.]
BERNARDO COUTO.	[SEAL.]
MIGL. ATRISTAIN.	[SEAL.]

#### PROTOCOL.

In the city of Querétaro, on the twenty-sixth of the month of May, eighteen hundred and forty-eight, at a conference between their Excellencies Nathan Clifford and Ambrose H. Sevier, Commissioners of the U. S. of A., with full powers from their Government to make to the Mexican Republic suitable explanations in regard to the amendments which the Senate and Government of the said United States have made in the Treaty of peace, friendship, limits and definitive settlement, between the two Republics, signed in Guadalupe Hidalgo, on the second day of February of the present year; and His Excellency Don Luis de la Rosa, Minister of Foreign Affairs of the Republic of Mexico; it was agreed, after adequate conversation, respecting the changes alluded to, to record in the present protocol the following explanations, which their aforesaid Excellencies the Commissioners gave in the name of their Government and in fulfillment of the Commission conferred upon them near the Mexican Republic:

1<sup>st</sup>. The American Government by suppressing the IX<sup>th</sup> article of the treaty of Guadalupe Hidalgo and substituting the III article of the Treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article IX<sup>th</sup> in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the 3<sup>d</sup> article of the Treaty of Louisiana. In consequence all the privileges and guarantees, civil, political and religious, which would have been possessed by the inhabitants of the ceded territories, if the IX<sup>th</sup> article of the Treaty had been retained, will be enjoyed by them, without any difference, under the article which has been substituted.

2<sup>d</sup>. The American Government by suppressing the X<sup>th</sup> article of the Treaty of Guadalupe did not in any way intend to annul the grants of lands made by Mexico in the ceded territories. These grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess, and the grantees may cause their legitimate [titles] to be acknowledged before the American tribunals.

Conformably to the law of the United-States, legitimate titles to every description of property personal and real, existing in the ceded territories, are those which were legitimate titles under the Mexican law in California and New-Mexico up to the 13<sup>th</sup> of May 1846, and in Texas up to the 2<sup>d</sup> March, 1836.

3<sup>d</sup>. The Government of the United States by suppressing the concluding paragraph of article XII<sup>th</sup> of the Treaty, did not intend to deprive the Mexican Republic of the free and unrestrained faculty of ceding, conveying or transferring at any time (as it may judge best) the sum of the twelve millions of dollars which the same Government of the U. States is to deliver in the places designated by the amended article.

And these explanations having been accepted by the Minister of Foreign Affairs of the Mexican Republic, he declared in name of his Government that with the understanding conveyed by them the same Government would proceed to ratify the Treaty of Guadalupe as modified by the Senate and Government of the U. States. In testimony of which, Their Excellencies the aforesaid Commissioners and the Minister have signed and sealed in quintuplicate the present protocol.

[SEAL.]  
[SEAL.]  
[SEAL.]

A. H. SEVIER.  
NATHAN CLIFFORD.  
LUIS DE LA ROSA.



## ARTICLES REFERRED TO IN THE FIFTEENTH ARTICLE OF THE PRECEDING TREATY.

*First and fifth articles of the unratified convention between the United States and the Mexican Republic of the 20th November, 1843.*

## ARTICLE I.

All claims of citizens of the Mexican Republic against the Government of the United States which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the Government of the Mexican Republic, which, for whatever cause, were not submitted to, nor considered, nor finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the President of the Mexican Republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two republics.

## ARTICLE V.

All claims of citizens of the United States against the Government of the Mexican Republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

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1853.

## TREATY OF BOUNDARY, CESSION OF TERRITORY, TRANSIT OF ISTHMUS OF TEHUANTEPEC, ETC.

(GADSDEN TREATY.)

*Concluded December 30, 1853; ratification advised by the Senate with amendments April 25, 1854; ratified by the President June 29, 1854; ratifications exchanged June 30, 1854; proclaimed June 30, 1854. (Treaties and Conventions, 1889, p. 694.)*

## ARTICLES.

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| <p>I. Boundary established; survey, etc.<br/>         II. Release of obligations as to Indians.<br/>         III. Payment for territory acquired.<br/>         IV. Navigation of Gulf of California, Colorado, and Bravo rivers.<br/>         V. Inhabitants of ceded territory; fortifications; navigation and commerce.</p> | <p>VI. Recognition of land grants.<br/>         VII. Adjustment of future differences.<br/>         VIII. Transit of Tehuantepec Isthmus.<br/>         IX. Ratification.</p> |
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In the Name of Almighty God

The Republic of Mexico and the United States of America desiring to remove every cause of disagreement, which might interfere in any manner with the better friendship and intercourse between the two



Countries; and especially; in respect to the true limits which should be established, when notwithstanding what was covenanted in the treaty of Guadalupe Hidalgo in the year 1848,<sup>1</sup> opposite interpretations have been urged, which might give occasion to questions of serious moment: to avoid these, and to strengthen and more firmly maintain the peace, which happily prevails between the two Republics, the President of the United States has for this purpose, appointed James Gadsden, Envoy Extraordinary and Minister Plenipotentiary of the same near the Mexican Government, and the President of Mexico has appointed as Plenipotentiary "ad hoc" his Excellency Don Manuel Diez de Bonilla Cavalier Grand Cross of the National and Distinguished Order of Guadalupe, and Secretary of State and of the Office of Foreign Relations, and Don Jose Salazar Ylarregui, and General Mariano Monterde as Scientific Commissioners invested with Full powers for this Negotiation, who having communicated their respective Full Powers, and finding them in due and proper form, have agreed upon the Articles following

#### ARTICLE 1<sup>st</sup>.

The Mexican Republic agrees to designate the following as her true limits with the United States for the future, Retaining the same dividing lines between the two Californias, as already defined and established according to the 5<sup>th</sup> Article of the Treaty of Guadalupe Hidalgo,<sup>2</sup> the limits between the Two Republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande as provided in the fifth article of the treaty of Guadalupe Hidalgo, thence as defined in the said article, up the middle of that river to the point where the parallel of 31° 47' north latitude crosses the same, thence due west one hundred miles, thence south to the parallel of 31° 20' north latitude, thence along the said parallel of 31° 20' to the 111th meridian of longitude west of Greenwich, thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado rivers, thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the Treaty each of the two Governments shall nominate one Commissioner to the end that, by common consent, the two thus nominated having met in the city of Paso del Norte, three months after the exchange of the ratifications of this Treaty may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the Mixed Commission, according to the Treaty of Guadalupe keeping a Journal and making proper plans of their operations. For this purpose if they should judge it necessary. The contracting Parties shall be at liberty each to unite to its respective Commissioner Scientific or other assistants, such as Astronomers and Surveyors whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two Republics; that line shall be alone established upon which the Commissioners may fix, their consent in this particular being considered decisive and an integral part of this Treaty, without necessity of ulterior ratification or approval,

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<sup>1</sup> See p. 391.

<sup>2</sup> See page 393.

and without room for interpretation of any kind by either of the Parties contracting.

The dividing line thus established shall in all time be faithfully respected by the two Governments without any variation therein, unless of the express and free consent of the two, given in conformity to the principles of the Law of Nations, and in accordance with the constitution of each country respectively

In consequence, the stipulation in the 5<sup>th</sup> Article of the Treaty of Guadalupe upon the Boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

#### ARTICLE II.

The Government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo,<sup>1</sup> and the said article and the thirty third article of the treaty of Amity, Commerce and navigation<sup>2</sup> between the United States of America and the United Mexican States, concluded at Mexico on the fifth day of April, 1831, are hereby abrogated.

#### ARTICLE III.

In consideration of the foregoing stipulations, the Government of the United States agrees to pay to the Government of Mexico, in the City of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

#### ARTICLE IV<sup>th</sup>.

The provisions of the 6<sup>th</sup> and 7<sup>th</sup> articles of the Treaty of Guadalupe Hidalgo<sup>3</sup> having been rendered nugatory for the most part by the Cession of Territory granted in the First Article of this Treaty, the said Articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor—The Vessels and Citizens of the United States shall in all Time have free and uninterrupted passage through the Gulf of California to and from their possessions situated North of the Boundary line of the Two Countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government, and precisely the same provisions, stipulations and restrictions in all respects are hereby agreed upon and adopted and shall be scrupulously observed and enforced by the Two Contracting Governments, in reference to the Rio Colorado, so far and for such distance as the middle of that River is made their common Boundary Line by the First Article of this Treaty

The several Provisions, Stipulations and restrictions contained in the 7<sup>th</sup> Article of the Treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte below the initial

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<sup>1</sup> See p. 396.

<sup>2</sup> See p. 389.

<sup>3</sup> See pp. 394, 395.

of the said Boundary provided in the First Article of this Treaty That is to say below the intersection of the  $31^{\circ} 47' 30''$  parallel of Latitude with the Boundary Line established by the late Treaty dividing said river from its mouth upwards according to the 5<sup>th</sup> Article of the Treaty of Guadalupe.<sup>1</sup>

#### ARTICLE V<sup>th</sup>.

All the provisions of the Eighth and Ninth Sixteenth and Seventeenth Articles of the Treaty of Guadalupe Hidalgo<sup>2</sup> shall apply to the Territory ceded by the Mexican Republic in the First Article of the Present Treaty and to all the rights of persons and property both civil and ecclesiastical within the same, as fully and as effectually as if the said Articles were herein again recited and set forth

#### ARTICLE VI<sup>th</sup>.

No Grants of Land within the Territory ceded by the First Article of this Treaty bearing date subsequent to the day. Twenty fifth of September—when the Minister and Subscriber to this Treaty on the part of the United States proposed to the Government of Mexico to terminate the question of Boundary, will be considered valid or be recognized by the United States or will any Grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the Archives of Mexico.

#### ARTICLE VII.

Should there at any future period (which God forbid) occur any disagreement between the two Nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference, and should they still in this manner not succeed, never will they proceed to a declaration of War without having previously paid attention to what has been set forth in Article 21 of the Treaty of Guadalupe for similar cases; which article as well as the 22<sup>d</sup> is here re-affirmed.<sup>3</sup>

#### ARTICLE 8.

The Mexican Government having on the 5th of February, 1853, authorized the early construction of a plank and rail road across the Isthmus of Tehuantepec, and to secure the stable benefits of said transit way to the persons and merchandize of the citizens of Mexico and the United States, it is stipulated that neither Government will interpose any obstacle to the transit of persons and merchandize of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States by its agents shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may

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<sup>1</sup> See p. 393.

<sup>2</sup> See pp. 395, 398.

<sup>3</sup> See p. 400.

be intended for transit, and not for distribution on the Isthmus, free of custom-house or other charges by the Mexican Government. Neither passports nor letters of security will be required of persons crossing the Isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

#### ARTICLE 9

This Treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington, within the exact period of six months from the date of its signature or sooner if possible.

In testimony whereof, We the Plenipotentiaries of the contracting parties have hereunto affixed our hands and seals at Mexico the thirtieth (30<sup>th</sup>) day of December in the Year of Our Lord one thousand eight hundred and fifty three, in the thirty third year of the Independence of the Mexican Republic, and the seventy eighth of that of the United States.

JAMES GADSDEN.	[SEAL.]
MANUEL DIEZ DE BONILLA.	[SEAL.]
JOSÉ SALAZAR YLARREGUI.	[SEAL.]
J. MARIANO MONTERDE.	[SEAL.]

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1861.

#### EXTRADITION TREATY.

*Concluded December 11, 1861; ratification advised by the Senate with amendment April 9, 1862; ratified by the President April 11, 1862; ratifications exchanged May 20, 1862; proclaimed June 20, 1862. (Treaties and Conventions, 1889, p. 698.)*

By notification from the Mexican Government the treaty was abrogated January 20, 1899.

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Federal cases: *Benson v. McMahon*, 127 U. S., 457; *Ornelas v. Ruiz*, 161 U. S., 502; *Ex parte Coy*, 32 Fed. Rep., 911; *In re Benson*, 34 Fed. Rep., 649; *Ex parte McCabe*, 46 Fed. Rep., 363; *In re Rowe*, 77 Fed. Rep., 161.

1868.

## CLAIMS CONVENTION.

*Concluded July 4, 1868; ratification advised by the Senate July 25, 1868; ratified by the President January 25, 1869; ratifications exchanged February 1, 1869; proclaimed February 1, 1869. (Treaties and Conventions, 1889, p. 700.)*

Under this convention of seven articles a joint commission was appointed to consider mutual claims, consisting of one commissioner for each country, who together chose an umpire. The first meeting took place August 10, 1869, considered to have been held July 31, 1869. The final session was January 31, 1876. The awards rendered were: In favor of citizens of the United States, \$4,125,622.20; and in favor of citizens of Mexico, \$150,498.41.

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Federal cases: *Frelinghuysen v. Key*, 110 U. S., 63; *Alling v. U. S.*, 114 U. S., 562; *U. S. ex rel. Boynton v. Blaine*, 139 U. S., 306; *U. S. ex rel. Key v. Frelinghuysen*, 2 Mackey (D. C.), 299.

1868.

## NATURALIZATION CONVENTION.

*Concluded July 10, 1868; ratification advised by the Senate July 25, 1868; ratified by the President January 27, 1869; ratifications exchanged February 1, 1869; proclaimed February 1, 1869. (Treaties and Conventions, 1889, p. 704).*

This convention of six articles was terminated February 11, 1882, upon notification given by Mexico.

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Federal case: *In re Rodriguez*, 81 Fed. Rep. 337.

1871.

## CLAIMS CONVENTION.

*Concluded April 19, 1871; ratification advised by the Senate December 11, 1871; ratified by the President December 15, 1871; ratifications exchanged February 8, 1872; proclaimed February 8, 1872. (Treaties and Conventions, 1889, p. 705.)*

By this convention of two articles the duration of the claims commission organized under the Convention of 1868 was extended one year.

1872.

## CLAIMS CONVENTION.

*Concluded November 27, 1872; ratification advised by the Senate with amendment March 9, 1873; ratified by the President March 10, 1873; ratifications exchanged July 17, 1873; proclaimed July 24, 1873. (Treaties and Conventions, 1889, p. 706.)*

The time for the completion of the labors of the claims commission under the Convention of 1868 was further extended by this convention for another year.

1874.

CLAIMS CONVENTION.

*Concluded November 20, 1874; ratification advised by the Senate January 20, 1875; ratified by the President January 22, 1875; ratifications exchanged January 28, 1875; proclaimed January 28, 1875. (Treaties and Conventions, 1889, p. 707.)*

The claims commission under the Convention of 1868 was still further extended by this convention for another year.

1876.

CLAIMS CONVENTION.

*Concluded April 29, 1876; ratification advised by the Senate May 24, 1876; ratified by the President June 27, 1876; ratifications exchanged June 29, 1876; proclaimed June 29, 1876. (Treaties and Conventions, 1889, p. 709.)*

The functions of the umpire under the Convention of 1868 were extended by this convention of three articles until November 20, 1876, and provision made for the payment of the awards.

1882.

BOUNDARY CONVENTION.

*Concluded July 29, 1882; ratification advised by the Senate August 8, 1882; ratified by the President January 29, 1883; ratifications exchanged March 3, 1883; proclaimed March 5, 1883. (Treaties and Conventions, 1889, p. 711.)*

(This convention although temporary in its character is reprinted because Article IX provides for the punishment of persons destroying or defacing the monuments marking the boundary.)

ARTICLES.

- |   |  |
|---|--|
| I. Preliminary reconnaissance.                    | VI. Expenses.                              |
| II. International Boundary Commission authorized. | VII. Payment for monuments.                |
| III. Powers of commission.                        | VIII. Duration of commission.              |
| IV. Boundary monuments.                           | IX. Protection of monuments; ratification. |
| V. Reports of commission.                         |  |

The President of the United States of America on the one hand and the President of the United States of Mexico on the other, being desirous of putting an end to whatever difficulties arise from the destruction or displacement of some of the monuments erected for the purpose of marking the boundary between the two countries, have thought proper to conclude a convention with the object of defining the manner in which the said monuments are to be restored to their proper places and new ones erected, if necessary; to which end they have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States of America; and the President of the United States of Mexico, Señor Don Matias



Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, in Washington;

Who, after reciprocal exhibition of their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I.

With the object of ascertaining the present condition of the monuments marking the boundary line between the United States of America and the United States of Mexico, established by the treaties of February 2<sup>nd</sup>, 1848, and December 3<sup>rd</sup>, 1853,<sup>1</sup> and for determining generally what monuments, if any, have been destroyed or removed and may require to be rebuilt or replaced, a preliminary reconnaissance of the frontier line shall be made by each government, within six months from the exchange of ratifications of this convention. These reconnaissances shall be made by parties under the control of officers of the regular army of the respective countries, and shall be effected in concert, in such manner as shall be agreed upon by the commanders of the respective parties. The expense of each reconnoitring party shall be borne by the government in whose behalf it operates.

These reconnaissance-parties shall report to their respective governments, within eight months from the exchange of the ratifications of this convention:

- (a) the condition of the present boundary monuments;
- (b) the number of destroyed or displaced monuments;
- (c) the places, settled or capable of eventual settlement, where it may be advisable to set the monuments closer together along the line than at present;
- (d) the character of the new monuments required, whether of stone or iron; and their number, approximately, in each case.

#### ARTICLE II.

Pending the conclusion of the preliminary reconnaissances provided in Article I, each government shall appoint a surveying party, consisting of an Engineer-in-Chief, two Associates one of whom shall be a practical astronomer, and such number of assistant engineers and associates as it may deem proper. The two parties so appointed shall meet at El Paso del Norte, or at any other convenient place to be agreed upon, within six months from the exchange of the ratifications hereof, and shall form, when combined, an "International Boundary Commission."

#### ARTICLE III.

The International Boundary Commission shall be required and have the power and authority to set in their proper places along the boundary line between the United States and Mexico, from the Pacific Ocean to the Rio Grande, the monuments heretofore placed there under existing treaties whenever such monuments shall have become displaced; to erect new monuments on the site of former monuments when these shall have been destroyed; and to set new monuments at such points as may be necessary and be chosen by joint accord between the two Commissioner Engineers-in-Chief. In rebuilding and replacing the old monuments and in providing for new ones, the respective reports of the reconnaissance parties provided by Article

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<sup>1</sup> Should be December 30, 1853. See pp. 391, 403.

I may be consulted: provided however that the distance between two consecutive monuments shall never exceed eight thousand metres, and that this limit may be reduced on those parts of the line which are inhabited or capable of habitation.

#### ARTICLE IV.

Where stone shall be found in sufficient abundance, the monuments may be of stone; and in other localities shall be of iron in the form of a simple tapering four-sided shaft with pediment, rising above the ground to a height of six feet, and bearing suitable inscriptions on its sides. These monuments shall be at least two centimeters in thickness, and weigh not less than five hundred pounds each. The approximate number thereof to be required may be determined from the reports of the preliminary reconnaissance-parties, and the monuments, properly cast and finished, may be sent forward from time to time to such spots as the Commission may select, to be set in place at the sites determined upon as the work progresses.

#### ARTICLE V.

The Engineers-in Chief of both sections shall determine, by common consent, what scientific processes are to be adopted for the resetting of the old monuments and the erection of the new ones; and they shall be responsible for the proper performance of the work.

On commencing operations, each section shall report to its government the plan of operations upon which they shall have jointly agreed; and they shall from time to time submit reports of the progress made by them in the said operations; and finally they shall present a full report, accompanied by the necessary drawings, signed by the Engineer-in-Chief and the two Associate Engineers on each side, as the official record of the International Boundary Commission.

#### ARTICLE VI.

The expenses of each section shall be defrayed by the government which appointed it; but the cost of the monuments and of their transportation shall be equally shared by both governments.

#### ARTICLE VII.

Whenever the number of the monuments to be set up shall be approximately known as the result of the labors of the preliminary reconnaissance-parties, the Engineers-in-Chief shall prepare an estimate of their cost, conveyance and setting up; and when such estimate shall have been approved by both governments, the mode of making the payment of the part to be paid by Mexico shall be determined by a special arrangement between the two governments.

#### ARTICLE VIII.

The work of the International Boundary Commission shall be pushed forward with all expedition; and the two governments hereby agree to regard the present convention as continuing in force until the conclusion of said work, provided that such time does not exceed four years and four months from the date of the exchange of the ratifications hereof.<sup>1</sup>

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<sup>1</sup> Time extended. See conventions of 1885, 1889, and 1894.

## ARTICLE IX.

The destruction or displacement of any of the monuments described herein, after the line shall have been located by the International Boundary Commission as aforesaid, is hereby declared to be a misdemeanor, punishable according to the justice of the country of the offender's nationality if he be a citizen of either the United States or Mexico; and if the offender be of other nationality, then the misdemeanor shall be punishable according to the justice of either country where he may be apprehended.

This convention shall be ratified on both sides and the ratifications exchanged at Washington as soon as possible.

In testimony whereof we have signed this convention in duplicate, in the English and Spanish languages, and affixed hereunto the seals of our arms.

Done in the City of Washington this 29<sup>th</sup> day of July, in the year of Our Lord one thousand eight hundred and eighty two.

FRED<sup>k</sup> T. FRELINGHUYSEN. [SEAL.]  
M. ROMERO. [SEAL.]

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1883.

## COMMERCIAL RECIPROCITY CONVENTION.

*Concluded January 20, 1883; ratification advised by the Senate with amendments March 11, 1884; ratified by the President May 20, 1884; ratifications exchanged May 20, 1884; proclaimed June 2, 1884. (Treaties and Conventions, 1889, p. 714.)*

This convention of ten articles made mutual agreements for the importation of certain products of each country into the other free of duty.

Owing to the failure of legislation to carry the convention into effect it ceased to be operative May 20, 1887.

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1884.

## BOUNDARY CONVENTION, RIO GRANDE AND RIO COLORADO.

*Concluded November 12, 1884; ratification advised by the Senate March 18, 1885; modifications consented to by the Senate June 23, 1886; ratified by the President July 10, 1886; ratifications exchanged September 13, 1886; proclaimed September 14, 1886. (Treaties and Conventions, 1889, p. 721.)*

## ARTICLES.

- |                                |                     |
|--------------------------------|---------------------|
| I. Boundaries in rivers named. | IV. Bridges.        |
| II. Changes.                   | V. Riparian rights. |
| III. Artificial changes.       | VI. Ratification.   |

Whereas, in virtue of the V<sup>th</sup> article<sup>1</sup> of the Treaty of Guadalupe Hidalgo between the United States of America and the United States

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<sup>1</sup> See p. 393.

of Mexico, concluded February 2, 1848, and of the first Article<sup>1</sup> of that of December 30, 1853, certain parts of the dividing line between the two countries follow the middle of the channel of the Rio Grande and the Rio Colorado, to avoid difficulties which may arise through the changes of channel to which those rivers are subject through the operation of natural forces, the Government of the United States of America and the Government of the United States of Mexico have resolved to conclude a convention which shall lay down rules for the determination of such questions, and have appointed as their Plenipotentiaries:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State of the United States; and .

The President of the United States of Mexico, Matías Romero, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States;

Who, after exhibiting their respective Full Powers, found in good and due form, have agreed upon the following Articles:

#### ARTICLE I.

The dividing line shall forever be that described in the aforesaid Treaty and follow the center of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one.

#### ARTICLE II.

Any other change, wrought by the force of the current, whether by the cutting of a new bed, or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the aforesaid Treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commissions in 1852, but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits.

#### ARTICLE III.

No artificial change in the navigable course of the river, by building jetties, piers, or obstructions which may tend to deflect the current or produce deposits of alluvium, or by dredging to deepen another than the original channel under the Treaty when there is more than one channel, or by cutting waterways to shorten the navigable distance, shall be permitted to affect or alter the dividing line as determined by the aforesaid Commissions in 1852 or as determined by Article I hereof and under the reservation therein contained; but the protection of the banks on either side from erosion by revetments of stone or other material not unduly projecting into the current of the river shall not be deemed an artificial change.

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<sup>1</sup>See p. 404.

## ARTICLE IV.

If any international bridge have been or shall be built across either of the rivers named, the point on such bridge exactly over the middle of the main channel as herein determined shall be marked by a suitable monument, which shall denote the dividing line for all the purposes of such bridge, notwithstanding any change in the channel which may thereafter supervene. But any rights other than in the bridge itself and in the ground on which it is built shall in event of any such subsequent change be determined in accordance with the general provisions of this convention.

## ARTICLE V.

Rights of property in respect of lands which may have become separated through the creation of new channels as defined in Article II hereof, shall not be affected thereby, but such lands shall continue to be under the jurisdiction of the county to which they previously belonged.

In no case, however, shall this retained jurisdictional right affect or control the right of navigation common to the two countries under the stipulations of Article VII<sup>1</sup> of the aforesaid Treaty of Guadalupe Hidalgo; and such common right shall continue without prejudice throughout the actually navigable main channels of the said rivers, from the mouth of the Rio Grande to the point where the Rio Colorado ceases to be the international boundary, even though any part of the channel of said rivers, through the changes herein provided against, may be comprised within the territory of one of the two nations.

## ARTICLE VI.

This convention shall be ratified by both parties in accordance with their respective constitutional procedure, and the ratifications exchanged in the City of Washington as soon as possible.

In witness whereof the undersigned Plenipotentiaries have hereunto set their hands and seals.

Done at the City of Washington, in duplicate, in the English and Spanish languages, this twelfth day of November, A. D., 1884.

FRED<sup>k</sup> T. FRELINGHUYSEN. [SEAL.]

[SEAL.] M ROMERO.

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1885.

## RECIPROCITY CONVENTION.

*Concluded February 25, 1885; ratification advised by the Senate March 20, 1885; ratified by the President November 12, 1885; ratifications exchanged November 27, 1885; proclaimed May 4, 1886. (Treaties and Conventions, 1889, p. 722.)*

The time for the enactment of legislation to carry into effect the Convention of 1883 was extended by this convention to May 20, 1886.

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<sup>1</sup> See p. 395.

1885.

BOUNDARY CONVENTION.

*Concluded December 5, 1885; ratification advised by the Senate with amendment June 21, 1886; ratified by the President June 23, 1887; ratifications exchanged June 27, 1887; proclaimed June 28, 1887. (Treaties and Conventions, 1889, p. 1189.)*

The time for completing the work of the Boundary Commission authorized under the Convention of 1882 (p. 409) was extended eighteen months by this convention.

1886.

RECIPROCITY CONVENTION.

*Concluded May 14, 1886; ratification advised by the Senate January 7, 1887; ratified by the President January 24, 1887; ratifications exchanged January 29, 1887; proclaimed February 1, 1887. (Treaties and Conventions, 1889, p. 1190.)*

The time for the enactment of legislation to carry the Convention of 1883 into effect was further extended by this convention to May 20, 1887.

1889.

BOUNDARY CONVENTION.

*Concluded February 18, 1889; ratification advised by the Senate March 26, 1889; ratified by the President April 30, 1889; ratifications exchanged October 12, 1889; proclaimed October 14, 1889. (U. S. Stats. Vol. 26, p. 1493.)*

Owing to the failure to appoint the commission authorized by the Convention of 1882 (p. 409) within the time specified, as extended by the Convention of 1885, it ceased to have effect. By this convention the provisions of the Convention of 1882 were revived for a period of five years from the date of the exchange of ratifications.

1889.

BOUNDARY CONVENTION.

*Concluded March 1, 1889; ratification advised by the Senate May 7, 1890; ratified by the President December 6, 1890; ratifications exchanged December 24, 1890; proclaimed December 26, 1890. (U. S. Stats. Vol. 26, p. 1512.)*

ARTICLES.

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|--|---|
| <p>I. International Boundary Commission authorized.</p> <p>II. Composition.</p> <p>III. Meetings of Commission.</p> <p>IV. Duties.</p> <p>V. Investigation of works on banks of Colorado and Rio Grande.</p> | <p>VI. Examinations.</p> <p>VII. Jurisdiction.</p> <p>VIII. Decisions.</p> <p>IX. Ratification.</p> |
|--|---|

The United States of America and the United States of Mexico, desiring to facilitate the carrying out of the principles contained in



the treaty of November 12, 1884,<sup>1</sup> and to avoid the difficulties occasioned by reason of the changes which take place in the bed of the Rio Grande and that of the Colorado river, in that portion thereof where they serve as a boundary between the two Republics, have resolved to conclude a treaty for the attainment of these objects, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America; and

The President of the United States of Mexico, Matias Romero, Envoy Extraordinary and Minister Plenipotentiary of the United States of Mexico, at Washington;

Who, after having exhibited their respective full powers, and having found the same to be in good and due form, have agreed upon the following articles:

#### ARTICLE I.

All differences or questions that may arise on that portion of the frontier between the United States of America and the United States of Mexico where the Rio Grande and the Colorado rivers form the boundary line, whether such differences or questions grow out of alterations or changes in the bed of the aforesaid Rio Grande and that of the aforesaid Colorado River, or of works that may be constructed in said rivers, or of any other cause affecting the boundary line, shall be submitted for examination and decision to an International Boundary Commission, which shall have exclusive jurisdiction in the case of said differences or questions.

#### ARTICLE II.

The International Boundary Commission shall be composed of a Commissioner appointed by the President of the United States of America, and of another appointed by the President of the United States of Mexico, in accordance with the constitutional provisions of each country, of a Consulting Engineer, appointed in the same manner by each Government, and of such Secretaries and Interpreters as either Government may see fit to add to its Commission. Each Government separately shall fix the salaries and emoluments of the members of its Commission.

#### ARTICLE III.

The International Boundary Commission shall not transact any business unless both Commissioners are present. It shall sit on the frontier of the two contracting countries, and shall establish itself at such places as it may determine upon; it shall, however, repair to places at which any of the difficulties or questions mentioned in this convention may arise, as soon as it shall have been duly notified thereof.

#### ARTICLE IV.

When, owing to natural causes, any change shall take place in the bed of the Rio Grande or in that of the Colorado River, in that portion thereof wherein those rivers form the boundary line between the two countries, which may affect the boundary line, notice of that fact shall be given by the proper local authorities on both sides to their respective Commissioners of the International Boundary Commission, on receiving which notice it shall be the duty of the said Commission

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<sup>1</sup> See p. 412.

to repair to the place where the change has taken place or the question has arisen, to make a personal examination of such change, to compare it with the bed of the river as it was before the change took place, as shown by the surveys, and to decide whether it has occurred through avulsion or erosion, for the effects of articles I and II<sup>1</sup> of the convention of November 12, 1884; having done this, it shall make suitable annotations on the surveys of the boundary line.

#### ARTICLE V.

Whenever the local authorities on any point of the frontier between the United States of America and the United States of Mexico, in that portion in which the Rio Grande and the Colorado River form the boundary between the two countries, shall think that works are being constructed, in either of those rivers, such as are prohibited by article III<sup>2</sup> of the convention of November 12, 1884, or by article VII<sup>3</sup> of the treaty of Guadalupe Hidalgo of February 2, 1848, they shall so notify their respective Commissioners, in order that the latter may at once submit the matter to the International Boundary Commission, and that said Commission may proceed, in accordance with the provisions of the foregoing article, to examine the case, and that it may decide whether the work is among the number of those which are permitted, or of those which are prohibited by the stipulations of those treaties.

The Commission may provisionally suspend the construction of the works in question pending the investigation of the matter, and if it shall fail to agree on this point, the works shall be suspended, at the instance of one of the two Governments.

#### ARTICLE VI.

In either of these cases, the Commission shall make a personal examination of the matter which occasions the change, the question or the complaint, and shall give its decision in regard to the same, in doing which it shall comply with the requirements established by a body of regulations to be prepared by the said Commission and approved by both Governments.

#### ARTICLE VII.

The International Boundary Commission shall have power to call for papers and information, and it shall be the duty of the authorities of each of the two countries to send it any papers that it may call for, relating to any boundary question in which it may have jurisdiction in pursuance of this convention.

The said Commission shall have power to summon any witnesses whose testimony it may think proper to take, and it shall be the duty of all persons thus summoned to appear before the same and to give their testimony, which shall be taken in accordance with such by-laws and regulations as may be adopted by the Commission and approved by both Governments. In case of the refusal of a witness to appear, he shall be compelled to do so, and to this end the Commission may make use of the same means that are used by the courts of the respective countries to compel the attendance of witnesses, in conformity with their respective laws.

<sup>1</sup> See p. 412.

<sup>2</sup> Article III, p. 413.

<sup>3</sup> Article VII, p. 395.

## ARTICLE VIII.

If both Commissioners shall agree to a decision, their judgment shall be considered binding upon both Governments, unless one of them shall disapprove it within one month reckoned from the day on which it shall have been pronounced. In the latter case, both Governments shall take cognizance of the matter, and shall decide it amicably, bearing constantly in mind the stipulation of Article XXI<sup>1</sup> of the treaty of Guadalupe Hidalgo of February 2, 1848.

The same shall be the case when the Commissioners shall fail to agree concerning the point which occasions the question, the complaint or the change, in which case each Commissioner shall prepare a report, in writing, which he shall lay before his Government.

## ARTICLE IX.

This convention shall be ratified by both parties, in accordance with the provisions of their respective constitutions, and the ratifications thereof shall be exchanged at Washington as speedily as possible—and shall be in force from the date of the exchange of ratifications for a period of five years.

In testimony whereof the undersigned Plenipotentiaries have signed and sealed it.

Done in duplicate, in the city of Washington, in the English and Spanish languages, on the 1st day of March one thousand eight hundred and eighty-nine.

.T. F. BAYARD [SEAL.]  
M. ROMERO. [SEAL.]

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1894.

## BOUNDARY CONVENTION.

*Concluded August 24, 1894; ratification advised by the Senate August 27, 1894; ratified by the President September 1, 1894; ratifications exchanged October 11, 1894; proclaimed October 18, 1894. (U. S. Stats. Vol. 28, p. 1213.)*

The period for the completion of the work of the Boundary Commission under Convention of 1889 (p. 415) was extended by this convention two years from October 11, 1894.

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1895.

## BOUNDARY CONVENTION.

*Concluded October 1, 1895; ratification advised by the Senate December 17, 1895; ratified by the President December 20, 1895; ratifications exchanged December 21, 1895; proclaimed December 21, 1895. (U. S. Stats. Vol. 29, p. 841.)*

The duration of the Convention of 1889 (p. 415) was extended one year by this convention.

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<sup>1</sup> See page 400,

1896.

BOUNDARY CONVENTION.

*Concluded November 6, 1896; ratification advised by the Senate December 10, 1896; ratified by the President December 15, 1896; ratifications exchanged December 23, 1896; proclaimed December 23, 1896. (U. S. Stats. Vol. 29, p. 857.)*

The Convention of 1889 (p. 415) was further extended to December 24, 1897, by this convention.

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1897.

BOUNDARY CONVENTION.

*Concluded October 29, 1897; ratification advised by the Senate December 16, 1897; ratified by the President December 20, 1897; ratifications exchanged December 21, 1897; proclaimed December 21, 1897. (U. S. Stats. Vol. 30, p. —.)*

This convention further extended the duration of the Convention of 1889 (p. 415) to December 24, 1898.

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1898.

BOUNDARY CONVENTION.

*Concluded December 2, 1898; ratification advised by the Senate December 8, 1898; ratified by the President December 12, 1898; ratifications exchanged February 2, 1899; proclaimed February 3, 1899. (U. S. Stats. Vol. 30, p. —.)*

The Convention of 1889 (p. 415) was again extended one year by this Convention.

# MOROCCO.

1787.

## TREATY OF PEACE AND FRIENDSHIP.

*Concluded January 1787; ratified by the Continental Congress July 18, 1787. (Treaties and Conventions, 1889, p. 724.)*

This treaty of twenty-six articles, negotiated by Thos. Barclay and signed by John Adams and Thom. Jefferson, was superseded by the following Treaty of 1836.

1836.

## TREATY OF PEACE AND FRIENDSHIP.

*Concluded September 16, 1836; ratification advised by the Senate January 17, 1837; ratified by the President January 28, 1837; proclaimed January 30, 1837. (Treaties and Conventions, 1889, p. 729.)*

### ARTICLES.

- |                                    |   |
|------------------------------------|---|
| I. Emperor's consent.              | XV. Privileges to merchants.  |
| II. No service with an enemy.      | XVI. Exchange of prisoners.   |
| III. Captures.                     | XVII. Trade privileges.   |
| IV. Ships' passports.              | XVIII. Examination of exports.  |
| V. Right of search.                | XIX. No detention, etc., of vessels.                                    |
| VI. Release of captives.           | XX. Consul to decide disputes in Morocco.                               |
| VII. Supplies to vessels.          | XXI. Trials of homicides and assaults.                                  |
| VIII. Repairs to vessels.          | XXII. Estates of deceased Americans.                                    |
| IX. Shipwrecks.                    | XXIII. Consular privileges.   |
| X. Protection of war ships.        | XXIV. Agreement in case of differences; most favored nation privileges. |
| XI. Immunities of ports.           | XXV. Duration.  |
| XII. Freedom of war ships.         |   |
| XIII. Salutes.                     |   |
| XIV. Most favored nation commerce. |   |

In the name of God, the Merciful and Clement!

Emperor's	Abd	seal.
	Errahman	
	Ibenu Kesham,	
	whom God	
	exalt!	

PRAISE BE TO GOD!

This is the copy of the treaty of peace which we have made with the Americans, and written in this book; affixing thereto our blessed seal, that, with the help of God, it may remain firm forever.

Written at Meccanez, the City of Olives, on the 3d day of the month Jumad el lahar, in the year of the Hegira 1252. (Corresponding to September 16, A. D. 1836.)

#### ARTICLE I.

We declare that both parties have agreed that this treaty, consisting of twenty five articles, shall be inserted in this book, and delivered to James R. Leib, Agent of the United States, and now their resident Consul at Tangier, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein.

#### ARTICLE II.

If either of the parties shall be at war with any nation whatever, the other shall not take a commission from the enemy, nor fight under their colors.

#### ARTICLE III.

If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

#### ARTICLE IV.

A signal, or pass, shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

#### ARTICLE V.

If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any gun shall be fired, and injury done, without reason, the offending party shall make good all damages.

#### ARTICLE VI.

If any Moor shall bring citizens of the United States, or their effects, to His Majesty, the citizens shall immediately be set at liberty, and the effects restored; and, in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America or their effects, and bring them into any of the ports of His Majesty, they shall be immediately released, as they will then be considered as under His Majesty's protection.

#### ARTICLE VII.

If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.



## ARTICLE VIII.

If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and reload her cargo, without paying any duty whatever.

## ARTICLE IX.

If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity until the commander shall think proper to proceed on his voyage.

## ARTICLE X.

If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian Powers, within gun-shot of the ports of the other, the vessel so engaged shall be defended and protected as much as possible, until she is in safety; and if any American vessel shall be cast on shore, on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted until, by the help of God, they shall be sent to their country.

## ARTICLE XI.

If we shall be at war with any Christian Power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy shall follow until twenty-four hours after the departure of our vessels; and the same regulations shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

## ARTICLE XII.

If any ship of war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

## ARTICLE XIII.

If a ship of war of either party shall put into a port of the other, and salute, it shall be returned from the fort with an equal number of guns, not more or less.

## ARTICLE XIV.

The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption.

## ARTICLE XV.

Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less.

## ARTICLE XVI.

In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged, one for another, captain for captain, officer for officer, and one private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars for each person wanting. And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant or any other person authorized by either of the parties.

## ARTICLE XVII.

Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper, and may buy and sell all sorts of merchandise but such as are prohibited to other Christian nations.

## ARTICLE XVIII.

All goods shall be weighed and examined before they are sent on board; and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board, in which case the persons who took the contraband goods on board shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

## ARTICLE XIX.

No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

## ARTICLE XX.

If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from our Government to enforce his decisions, it shall be immediately granted to him.

## ARTICLE XXI.

If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United

States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

#### ARTICLE XXII.

If an American citizen shall die in our country and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeably to that will, as soon as the Consul shall declare the validity thereof.

#### ARTICLE XXIII.

The Consul of the United States of America shall reside in any seaport of our dominions that they shall think proper, and they shall be respected and enjoy all the privileges which the Consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof, without which promise in writing no application to him for any redress shall be made.

#### ARTICLE XXIV.

If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain, notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement; and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties to dispose of their effects and retire with their property. And it is further declared that whatever indulgence, in trade or otherwise, shall be granted to any of the Christian Powers, the citizens of the United States shall be equally entitled to them.

#### ARTICLE XXV.

This treaty shall continue in force, with the help of God, for fifty years; after the expiration of which term, the treaty shall continue to be binding on both parties, until the one shall give twelve months' notice to the other of an intention to abandon it; in which case its operations shall cease at the end of the twelve months.

#### CONSULATE OF THE UNITED STATES OF AMERICA FOR THE EMPIRE OF MOROCCO.

*To all whom it may concern.*

*Be it known.*

Whereas the undersigned, James R. Leib, a citizen of the United States of North America, and now their resident Consul at Tangier, having been duly appointed Commissioner by letters-patent, under the signature of the President and seal of the United States of North America, bearing date, at the city of Washington, the fourth day of

July, A. D. 1835, for negotiating and concluding a treaty of peace and friendship between the United States of North America and the Empire of Morocco: I, therefore, James R. Leib, Commissioner as aforesaid, do conclude the foregoing treaty and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of North America, by and with the advice and consent of the Senate.

In testimony whereof I have hereunto affixed my signature and the seal of this consulate, on the first day of October, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the United States the sixty-first.

[SEAL.]

JAMES R. LEIB.

1865,

#### CONVENTION AS TO CAPE SPARTEL LIGHT-HOUSE.

*Concluded between the United States, Austria, Belgium, France, Great Britain, Italy, The Netherlands, Portugal, Spain, and Sweden and Norway, and Morocco, May 31, 1865; ratification advised by the Senate July 5, 1866; ratified by the President July 14, 1866; ratifications exchanged February 14, 1867; proclaimed March 12, 1867. (Treaties and Conventions, 1889, p. 734.)*

#### ARTICLES.

- |                                       |                    |
|---------------------------------------|--------------------|
| I. Administration of the light-house. | V. Duration.       |
| II. Expense of maintenance.           | VI. Regulations.   |
| III. Protection.                      | VII. Ratification. |
| IV. Management.                       |                    |

[Translation.]

In the name of the only God! There is no strength nor power but of God!

His Excellency the President of the United States of America; and his Majesty the Emperor of Austria, King of Hungary and Bohemia: His Majesty the King of the Belgians, Her Majesty the Queen of Spain, His Majesty the Emperor of the French; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland—His Majesty the King of Italy; His Majesty the King of the Netherlands, His Majesty the King of Portugal and the Algarves, His Majesty the King of Sweden and Norway, and His Majesty the Sultan of Morocco and of Fez, moved by a like desire to assure the safety of navigation along the coasts of Morocco, and desirous to provide of common accord the measures most proper to attain this end, have resolved to conclude a special convention, and have for this purpose appointed their Plenipotentiaries, to wit,

His Excellency the President of the Republic of the United States, Jesse Harlan M<sup>c</sup>Math Esquire, his Consul General near his Majesty the Sultan of Morocco;

His Majesty the Emperor of Austria, King of Hungary and of Bohemia, Sir John Hay Drummond Hay, commander of the very honorable order of the Bath, His General Agent,—ad interim, near his Majesty the Sultan of Morocco; His Majesty the King of the Belgians, Ernest Daluin, Knight of his order of Leopold, Commander of number of the order of Isabella the Catholic of Spain, commander of the order of Nichan Eftikhar of Tunis, his Consul General for the we

coast of Africa: Her Majesty the Queen of Spain, Don Francisco Merry y Colon, Grand Cross of the order of Isabella the Catholic, Knight of the order of St John of Jerusalem, Decorated with the Imperial ottoman order of Medjidie of the 3<sup>d</sup> class, officer of the order of the Legion of Honor, Her Minister Resident near His Majesty the Sultan of Morocco—His Majesty the Emperor of the French, Auguste Louis Victor, Baron Aymé d'Aquin, officer of the Legion of Honor, commander of the order of Francis the first of the Two Sicilies, Commander of the order of St Maurice and Lazarus of Italy, Commander of the order of Christ of Portugal, Commander of the order of the Lion of Brunswick, Knight of the order of Constantine of the Two Sicilies, Knight of the order of Guelphs of Hanover, his Plenipotentiary near his Majesty the Sultan of Morocco.

Her Majesty the Queen of the United Kingdom of Great Britain & Ireland Sir John Hay Drummond Hay, commander of the very honorable order of the Bath Her Minister Resident near his Majesty the Sultan of Morocco, His Majesty the King of Italy, Alexander Verdinnois, Knight of the order of St Maurice & Lazarus, Agent and Consul General of Italy near His Majesty the Sultan of Morocco.

His Majesty the King of the Netherlands Sir John Hay Drummond Hay Commander of the very Honorable order of the Bath, Acting Consul General of the Netherlands in Morocco—His Majesty the King of Portugal and the Algarves Jose Daniel Colaço, Commander of his order of Christ, Knight of the order of the Rose of Brazil, his Consul General near His Majesty the Sultan of Morocco—His Majesty the King of Sweden and of Norway Selim d'Ehrenhoff, Knight of the order of Wasa, his Consul General near his Majesty the Sultan of Morocco. and His Majesty the Sultan of Morocco and of Fez the literary Sid Mohammed Bargash, his Minister for Foreign affairs—who after having exchanged their full powers, found in good and due form have agreed upon the following articles.

#### ARTICLE 1<sup>st</sup>

His Majesty Scherifiennne having in an interest of humanity ordered the construction at the expense of the Government of Morocco of a light House at Cape Spartel, consents to devolve, throughout the duration of the present convention, the superior direction and administration of this establishment on the Representatives of the contracting Powers. It is well understood that this delegation does not import any encroachment on the rights proprietary and of Sovereignty of the Sultan, whose flag alone shall be hoisted on the tower of the Pharos.

#### ARTICLE 2<sup>d</sup>

The Government of Morocco not at this time having any marine, either of war or commerce, the expenses necessary for upholding and managing the Light house shall be borne by the contracting Powers by means of an annual contribution the quota of which shall be alike for all of them. If hereafter the Sultan should have a naval or commercial marine, he binds himself to take share in the expenses in like proportion with the other subscribing Powers. the expenses of repairs, and in need, of reconstruction shall also be at his cost.

#### ARTICLE 3<sup>d</sup>

The Sultan will furnish for security of the Light house a guard composed of a Kaid and four soldiers, he engages besides to provide

for, by all the means in his power, in case of war whether internal or external, the preservation of this establishment, as well as for the safety of the keepers and persons employed. on the other part the contracting Powers bind themselves, each so far as concerned, to respect the neutrality of the Light house, and to continue the payment of the contribution intended to uphold it, even in case (which God forbid) hostilities should break out either between them or between one of them and the Empire of Morocco.

#### ARTICLE 4<sup>th</sup>

The Representatives of the Contracting Powers charged in virtue of Article 1<sup>st</sup> of the present convention with the superior direction and management of the Light house shall establish the necessary regulations for the service and superintendence of this establishment, and no modification shall be afterward applied to these articles, except by common agreement between the contracting Powers

#### ARTICLE 5.

The present convention shall continue in force for ten years—In case, within six months of the expiration of this term, none of the high contracting parties, should by official declaration have made known its purpose to bring to a close so far as may concern it, the effects of this convention, it shall continue in force for one year more, and so from year to year, until due notice—

#### ARTICLE 6.

The execution of the reciprocal engagements contained in the present convention is subordinated so far as needful to the accomplishment of the forms and regulations established by the constitutional laws of those of the high contracting Powers who are held to ask for their application thereto which they bind themselves to do with the least possible delay.

#### ARTICLE 7.

The present convention shall be ratified and the ratifications be exchanged at Tangier as soon as can be done.

In faith whereof the respective Plenipotentiaries have signed and affixed thereto the seals of their arms.

Done in duplicate original in french and in arabic at Tangier, protected of God, the fifth day of the Moon of Moharrem, Year of the Hegira 1282 which corresponds with the 31<sup>st</sup> of the month of May of the year one thousand eight hundred and sixty five.

[SEAL.]	JESSE H. McMATH.
[SEAL.]	J. H. DRUMMOND HAY.
[SEAL.]	ERNEST DALUIN.
[SEAL.]	FRANCISCO MERRY Y COLOM.
[SEAL.]	AYMÉ D'AQUIN.
[SEAL.]	J. H. DRUMMOND HAY.
[SEAL.]	ALEX'RE VERDINOIS.
[SEAL.]	J. H. DRUMMOND HAY.
[SEAL.]	JOSÉ DANIEL COLAÇO.
[SEAL.]	S. D'EHRENHOFF.
[SEAL.]	[Signature of Sid Mohammed Bargash, in Arabic.]



1880.

CONVENTION AS TO PROTECTION.<sup>1</sup>

*Concluded between the United States, Germany, Austria, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Portugal and Sweden and Norway and Morocco, July 3, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 10, 1881; proclaimed December 21, 1881. (Treaties and Conventions, 1889, p. 737.)*

## ARTICLES.

- |   |                                      |
|---|--------------------------------------|
| I. Conditions of protection.                | IX. Classes not protected.           |
| II. Employees of legations.                 | X. Brokers.                          |
| III. Consular employees.                    | XI. Property rights.                 |
| IV. Diplomatic rights; suits; prosecutions. | XII. Agricultural tax.               |
| V. Native consular agents.                  | XIII. Gate tax.                      |
| VI. Extent of protection.                   | XIV. Mediation of native employees.  |
| VII. Names to be furnished by legations.    | XV. Naturalization.                  |
| VIII. Names to be furnished by consulates.  | XVI. Limitation of protection.       |
|   | XVII. Most favored nation treatment. |
|   | XVIII. Ratification.                 |

His Excellency the President of the United States of America; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; His Excellency the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the King of Italy; His Majesty the Sultan of Morocco; His Majesty the King of the Netherlands; His Majesty the King of Portugal and the Algarves; His Majesty the King of Sweden and Norway;

Having recognized the necessity of establishing, on fixed and uniform bases, the exercise of the right of protection in Morocco, and of settling certain questions connected therewith, have appointed as their plenipotentiaries at the conference assembled for that purpose at Madrid, to wit:

His Excellency the President of the United States of America, General Lucius Fairchild, Envoy Extraordinary and Minister Plenipotentiary of the United States near his Catholic Majesty;

His Majesty the Emperor of Germany, King of Prussia, Count Eberhardt de Solms-Sonnenwalde, Knight Commander of the first class of his Order of the Red Eagle with oak leaves, Knight of the Iron Cross, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the Emperor of Austria, King of Hungary, Count Emanuel Ludolf, his Privy Councillor in actual service, Grand Cross of the Imperial Order of Leopold, Knight of the first class of the Order of the Iron Crown, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the King of the Belgians, Mr. Edward Anspach, Officer of his Order of Leopold, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near his Catholic Majesty;

<sup>1</sup>The original convention submitted to the Senate and proclaimed by the President, is in the French language, from which the translation here printed, was made by the Department of State.

His Majesty the King of Spain, Don Antonio Cánovas del Castillo, Knight of the distinguished Order of the Golden Fleece, etc., etc., President of his Council of Ministers;

His Excellency the President of the French Republic, Vice-Admiral Jaurès, Senator, Knight Commander of the Legion of Honor, etc., etc., Ambassador of the French Republic near His Catholic Majesty;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honorable Lionel Sackville Sackville West, her Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty who is likewise authorized to represent His Majesty the King of Denmark;

His Majesty the King of Italy, Count Joseph Greppi, Grand Officer of the Order of Saint Maurice and Saint Lazarus, of that of the Crown of Italy, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the Sultan of Morocco, the Taleh Sid Mohammed Vargas, his Minister of Foreign Affairs and Ambassador Extraordinary;

His Majesty the King of the Netherlands, Jonkheer Maurice de Heldewier, Commander of the Royal Order of the Lion of the Netherlands, Knight of the Order of the Oaken Crown of Luxemburg, etc., etc., his Minister Resident near His Catholic Majesty;

His Majesty the King of Portugal and the Algarves, Count de Casal Ribeiro, Peer of the Realm, Grand Cross of the Order of Christ, etc., etc., his Envoy Extraordinary and Minister Plenipotentiary near His Catholic Majesty;

His Majesty the King of Sweden and Norway, Mr. Henry Akerman, Knight Commander of the first class of the Order of Wasa, etc., etc., his Minister Resident near His Catholic Majesty;

Who, in virtue of their full powers, recognized as being in good and due form, have agreed upon the following articles:

#### ARTICLE 1.

The conditions under which protection may be conceded are those established in the British and Spanish treaties with the Government of Morocco, and in the convention made between that Government, France and other powers in 1863, with the modifications introduced by the present convention.

#### ARTICLE 2.

Foreign Representatives at the head of a Legation may select their interpreters and employees from among the subjects of Morocco or others.

These protected persons shall be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13

#### ARTICLE 3.

Consuls, Vice consuls or Consular Agents having charge of a post, and residing within the territory of the Sultan of Morocco, shall be allowed to select but one interpreter, one soldier and two servants from among the subjects of the Sultan, unless they may require a native secretary.

These protected persons shall, in like manner, be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13.

## ARTICLE 4.

If a Representative shall appoint a subject of the Sultan to the office of Consular Agent in a town on the coast, such agent shall be respected and honored, as shall the members of his family occupying the same dwelling with him, and they, like him shall be subject to no duty, impost or tax whatever, other than those stipulated in articles 12 and 13; but he shall not have the right to protect any subjects of the Sultan other than the members of his own family.

He may, however, for the exercise of his functions, have a protected soldier.

Officers in acting charge of Vice Consulates being subjects of the Sultan, shall, during the exercise of their functions, enjoy the same rights as Consular Agents who are subjects of the Sultan.

## ARTICLE 5.

The Government of Morocco recognizes the right of Ministers, *Chargés d’Affaires* and other Representatives, which is granted to them by treaties, to select the persons whom they employ, either in their own service or that of their governments, unless such persons shall be sheiks or other employees of the Government of Morocco, such as soldiers of the line or of the cavalry, excepting the *Maghaznias* appointed as their guard. In like manner they shall not be permitted to employ any subject of Morocco who is under prosecution.

It is understood that civil suits commenced before protection, shall be terminated before the courts which have instituted such proceedings. The execution of the sentence shall suffer no hindrance. Nevertheless, the local authorities of Morocco shall take care to communicate, without delay, the sentence pronounced, to the Legation, Consulate or Consular Agency upon which the protected person is dependent.

As to those persons formerly protected, who may have a suit which was commenced before protection was withdrawn from them, their case shall be tried by the court before which it was originally brought.

The right of protection shall not be exercised towards persons under prosecution for an offense or crime, before they have been tried by the authorities of the country, or before their sentence, if any has been pronounced, has been executed.

## ARTICLE 6.

Protection shall extend to the family of the person protected. His dwelling shall be respected.

It is understood that the family is to consist only of the wife, the children, and the minor relatives dwelling under the same roof.

Protection shall not be hereditary. A single exception, which was established by the convention of 1863, but which is not to create a precedent, shall be maintained in favor of the *Benchimol* family.

Nevertheless, if the Sultan of Morocco shall grant another exception, each of the contracting powers shall be entitled to claim a similar concession.

## ARTICLE 7.

Foreign representatives shall inform the Sultan's Minister of Foreign Affairs, in writing, of any selections of an employee made by them.

They shall furnish annually to the said Minister a list of the names

of the persons protected by them or by their Agents throughout the States of the Sultan of Morocco.

This list shall be transmitted to the local authorities, who shall consider as persons enjoying protection only those whose names are contained therein.

#### ARTICLE 8.

Consular officers shall transmit each year to the authorities of the district in which they reside a list, bearing their seal, of the persons protected by them. These authorities shall transmit it to the Minister of Foreign Affairs, to the end that, if it be not conformable to the regulations, the Representatives at Tangier may be informed of the fact.

A consular officer shall be required to give immediate information of any changes that may have taken place among the persons protected by his Consulate.

#### ARTICLE 9.

Servants, farmers and other native employees of native secretaries and interpreters shall not enjoy protection. The same shall be the case with Moorish employees or servants of foreign subjects.

Nevertheless, the local authorities shall not arrest an employee or servant of a native officer in the service of a Legation or Consulate, or of a foreign subject or protected person, without having notified the authority upon which he is dependent.

If a subject of Morocco in the service of a foreign subject shall kill or wound any person, or violate his domicile, he shall be arrested immediately, but the diplomatic or consular authority under which he is shall be notified without delay.

#### ARTICLE 10.

Nothing is changed with regard to the situation of brokers, as established by the treaties and by the convention of 1863,<sup>1</sup> except what is stipulated, relative to taxes, in the following articles.

#### ARTICLE 11.

The right to hold property is recognized in Morocco as belonging to all foreigners.

The purchase of property must take place with the previous consent of the Government, and the title of such property shall be subject to the forms prescribed by the laws of the country.

Any question that may arise concerning this right shall be decided according to the same laws, with the privilege of appeal to the Minister of Foreign Affairs stipulated in the treaties.

#### ARTICLE 12.

Foreigners and protected persons who are the owners or tenants of cultivated land, as well as brokers engaged in agriculture, shall pay the agricultural tax. They shall send to their Consul annually, an exact statement of what they possess delivering into his hands the amount of the tax.

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<sup>1</sup> See p. 433.

He who shall make a false statement, shall be fined double the amount of the tax that he would regularly have been obliged to pay for the property not declared. In case of repeated offense this fine shall be doubled.

The nature, method, date and apportionment of this tax shall form the subject of a special regulation between the Representatives of the Powers and the Minister of Foreign Affairs of His Shereefian Majesty.

#### ARTICLE 13.

Foreigners, protected persons and brokers owning beasts of burden shall pay what is called the gate-tax. The apportionment and the manner of collecting this tax which is paid alike by foreigners and natives, shall likewise form the subject of a special regulation between the Representatives of the Powers and the Minister of Foreign Affairs of His Shereefian Majesty.

The said tax shall not be increased without a new agreement with the Representatives of the Powers.

#### ARTICLE 14.

The mediation of interpreters, native secretaries or soldiers of the different Legations or Consulates, when persons who are not under protection of the Legation or Consulate are concerned shall be admitted only when they are the bearers of a document signed by the head of a mission or by the consular authority.

#### ARTICLE 15.

Any subject of Morocco who has been naturalized in a foreign country, and who shall return to Morocco, shall after having remained for a length of time equal to that which shall have been regularly necessary for him to obtain such naturalization, choose between entire submission to the laws of the Empire and the obligation to quit Morocco, unless it shall be proved that his naturalization in a foreign country was obtained with the consent of the Government of Morocco.

Foreign naturalization heretofore acquired by subjects of Morocco according to the rules established by the laws of each country, shall be continued to them as regards all its effects, without any restriction.

#### ARTICLE 16.

No irregular or unofficial protection shall be granted in future. The authorities of Morocco will recognize no protection, of any kind whatever, save such as is expressly provided for in this convention.

Nevertheless, the exercise of the customary right of protection shall be reserved for those cases only in which it may be desired to reward signal services rendered by a native of Morocco to a foreign power, or for other altogether exceptional reasons.

The Minister of Foreign Affairs at Tangier shall be previously informed of the nature of the services, and notified of the intention to reward them, in order that he may, if need be, present his observations thereon; yet the final decision shall be reserved for the Government to which the service shall have been rendered.

The number of persons thus protected shall not exceed twelve for each power, and this number is fixed as the maximum unless the consent of the Sultan shall be obtained.

The status of persons who have obtained protection in virtue of the custom which is henceforth to be regulated by this stipulation shall be without limitation of the number of persons belonging to this class and now so protected, the same for themselves and their families as that which is established for other protected persons.

## ARTICLE 17.

The right to the treatment of the most favored nation is recognized by Morocco as belonging to all the powers represented at the Madrid conference.

## ARTICLE 18.

The convention shall be ratified. The ratifications shall be exchanged at Tangier with as little delay as possible.

By exceptional consent of the high contracting parties the stipulations of this convention shall take effect on the day on which it is signed at Madrid.

In faith whereof the respective plenipotentiaries have signed this convention, and have thereunto affixed the seals of their arms.

Done at Madrid, in thirteen originals, this third day of July, one thousand eight hundred and eighty.

[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]

LUCIUS FAIRCHILD.  
E. DE SOLMS.  
E. LUDOLF.  
ANSPACH.  
A. CÁNOVAS DEL CASTILLO.  
JAURÈS.  
L. S. SACKVILLE WEST.  
J. GREPPI.  
MOHAMMED VARGAS. (In Arabic  
characters.)  
HELDEWIER.  
CASAL RIBIERO.  
AKERMAN.

*Regulations relative to protection adopted by common consent by the Legation of France and the Government of Morocco, August 19, 1863, referred to in Article 10.<sup>1</sup>*

Protection is individual and temporary.

It consequently does not in general apply to the relatives of the person protected.

It may apply to his family, that is to say, to his wife and children living under the same roof. It lasts at the longest for a person's lifetime and is never hereditary, with the single exception of the Benchimol family, which has furnished for several generations and still furnishes persons who act in the capacity of Brokers and interpreters for the post at Tangier.

Protected persons are divided into two classes.

The first class comprises natives employed by the Legation and by the various French consular officers.

The second class consists of native factors, brokers, or agents, employed by French merchants for their business affairs. It is proper here to refer to the fact that the term merchant is only applied to a person carrying on the import or export trade on a large scale, either in his own name or as the agent of others.

The number of native brokers enjoying French protection is limited to two for each commercial house.

<sup>1</sup> See p. 431.



By way of exception commercial firms having establishments in different ports may have two brokers attached to each of these establishments, who may as such enjoy French protection.

French protection is not extended to natives employed by French citizens in agricultural occupations.

Nevertheless, in consideration of the existing state of things, and by agreement with the authorities of Morocco, the benefit of the protection which has hitherto been granted to the persons referred to in the foregoing paragraph shall be extended to the said persons for two months from the first of September next.

It is, moreover, understood that agricultural laborers, herdsmen, or other native peasants, in the service of French citizens shall not be legally prosecuted without immediate information thereof being communicated to the competent consular officer, in order that the latter may protect the interests of his countrymen.

The list of all protected persons shall be delivered by the proper consulate to the competent magistrate of the place, who shall likewise be informed of any changes that may subsequently be made in the said list.

Each protected person shall be furnished with a card in French and in Arabic, mentioning his name and stating the services which secure this privilege to him.

All these cards shall be issued by the Legation of France at Tangier.

TANGIER, *Aug.* 19, 1863

# MUSCAT.<sup>1</sup>

1833.

## TREATY OF AMITY AND COMMERCE.

*Concluded September 21, 1833; ratification advised by the Senate June 23, 1834; ratified by the President; ratifications exchanged September 30, 1835; proclaimed June 24, 1837. (Treaties and Conventions, 1889, p. 744.)*

### ARTICLES.

- |  |  |
|--|--|
| I. Peace.                              | VII. Captures by pirates.                    |
| II. Freedom of trade.                  | VIII. Shipping charges in the United States. |
| III. Duties payable by American ships. | IX. Consular powers and immunities.          |
| IV. Duties, licenses, and charges.     | Ratification.                                |
| V. Shipwrecks.                         |  |
| VI. Exemption from tax on trade.       |  |

ARTICLE 1 There shall be a perpetual Peace between the United States of America and Seyed Syeed bin Sultan and his dependencies.

2. The Citizens of the United States shall have free liberty to enter all the Ports of His Majesty Seyed Syeed bin Sultan, with their Cargoes of whatever kind the said cargoes may consist, & they shall have the liberty to sell the same, to any of the subjects of the Sultan or others who may wish to buy the same, or to barter the same for any produce or manufactures of the Kingdom, or other articles that may be found there—no price shall be fixed by the Sultan or his Officers on the articles to be sold by the Merchants of the United States, or the merchandize they may wish to purchase—but the trade shall be free on both sides, to sell, or buy, or exchange on the terms & for the prices the owners may think fit—and whenever the said Citizens of the United States may think fit to depart they shall be at liberty so to do—and if any Officer of the Sultan shall contravene this Article, he shall be severely punished. It is understood & agreed however, that the articles of Muskets, Powder and Ball can only be sold to the Government in the Island of Zanzibar—but in all the other ports of the Sultan, the said munitions of war may be freely sold, without any restrictions whatever to the highest bidder.

3. Vessels of the United States entering any port within the Sultan's dominions, shall pay no more than Five per centum duties on the cargo landed; and this shall be in full consideration of all import & export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever. Nor shall any charge be paid on that part of the cargo which may remain on board unsold, & re-exported—nor shall any charge whatever be paid on any vessel of the United States which may enter any of the Ports of His Majesty for the purpose of re-fitting, or for refreshments, or to inquire the state of the market.

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<sup>1</sup> See Zanzibar, p. 661.

4. The American citizen shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favored shall pay.

5. If any vessel of the United States shall suffer Shipwreck on any part of the Sultans Dominions, the persons escaping from the wreck shall be taken care of and hospitably entertain'd, at the expense of the Sultan, until they shall find an opportunity to be return'd to their country—for the Sultan can never receive any remuneration whatever for rendering succour to the distress'd—and the property saved from such wreck, shall be carefully preserv'd and delivered to the owner, or the Consul of the United States, or to any authorized Agent.

6. The Citizens of the United States resorting to the Ports of the Sultan for the purpose of trade, shall have leave to land, & reside in the said Ports, without paying any tax or imposition whatever for such liberty, other than the General Duties on Imports which the most favored nation shall pay.

7. If any citizens of the United States, or their vessels, or other property shall be taken by Pirates, and brought within the Dominions of the Sultan, the persons shall be set at liberty, and the property restored to the owner if he is present, or to the American Consul, or to any authorized agent.

8. Vessels belonging to the subjects of the Sultan which may resort to any port in the United States, shall pay no other or higher rate of Duties or other charges, than the nation the most favored shall pay.

9. The President of the United States may appoint Consuls to reside in the Ports of the Sultan where the principal commerce shall be carried on; which Consuls shall be the exclusive judges of all disputes or suits wherein American Citizens shall be engaged with each other. They shall have power to receive the property of any American Citizen dying within the Kingdom, and to send the same to his heirs, first paying all his debts, due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized. Nor shall any of their household be arrested, but their persons, and property, & their houses shall be inviolate—Should any Consul however, commit any offence against the laws of the Kingdom, complaint shall be made to the President who will immediately displace him.

Concluded, Signed and Sealed, at the Royal Palace in the City of Muscat in the Kingdom of Aman the twenty first day of September in the year One thousand, Eight hundred & thirty three of the Christian Era, & the Fifty seventh year of the Independence of the United States of America, corresponding to the sixth day of the Moon called Iamada Alawel, in the year of the Allhajra (Hegira) Twelve hundred and Forty Nine.

EDMUND ROBERTS. [Seal.]

Whereas the undersigned Edmund Roberts a Citizen of the United States of America, and a resident of Portsmouth in the State of New Hampshire, being duly appointed a Special Agent by Letters Patent, under the Signature of the President and Seal of the United States of America, bearing date at the City of Washington the twenty sixth day of January, Anno Domini One thousand, eight hundred & thirty two, for negotiating & concluding a Treaty of Amity and Commerce between the United States of America, and His Majesty Seyed Syeed bin Sultan of Muscat. Now know ye, That I Edmund Roberts, Special Agent as aforesaid, do conclude the foregoing Treaty of Amity and

Commerce, and every Article & Clause therein contain'd, reserving the same nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the United States.,

Done at the Royal Palace, in the City of Muscat, in the Kingdom of Aman, on the twenty first day of September in the year of our Lord One thousand, eight hundred & thirty three, and of the Independence of the United States of America, the Fifty seventh, corresponding to the Sixth day of the Moon, called Iamada Alawel, in the Year of Allhajra (Hegira) one thousand two hundred and Forty nine.

EDMUND ROBERTS.

# NASSAU.

(SEE PRUSSIA.)

1846.

## CONVENTION ABOLISHING DROIT D'AUBAINE AND EMIGRATION TAXES.

*Concluded May 27, 1846; ratification advised by the Senate July 21, 1846; ratified by the President July 23, 1846; ratifications exchanged October 13, 1846; proclaimed January 26, 1847. (Treaties and Conventions, 1889, p. 747.)*

Nassau was merged with Prussia by conquest 1866.

# NETHERLANDS.

1782.

## TREATY OF PEACE AND COMMERCE.

*Concluded October 8, 1782; ratified by the Continental Congress January 22, 1783. (Treaties and Conventions, 1889, p. 749.)*

This treaty of twenty-nine articles was abrogated by the overthrow of the Netherlands Government in 1795.

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1782.

## CONVENTION RELATIVE TO RECAPTURED VESSELS.

*Concluded October 8, 1782; ratified by the Continental Congress January 23, 1783. (Treaties and Conventions, 1889, p. 759.)*

This convention of six articles was abrogated by the overthrow of the Netherlands Government in 1795.

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1839.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded January 19, 1839; ratification advised by the Senate January 31, 1839; ratified by the President February 1, 1839; ratifications exchanged May 23, 1839; proclaimed May 24, 1839. (Treaties and Conventions, 1889, p. 761.)*

### ARTICLES.

- |  |                           |
|--|---------------------------|
| I. Import and export duties, drawbacks, etc. | IV. Nationality of ships. |
| II. Shipping charges.                        | V. Shipwrecks.            |
| III. Consular officers.                      | VI. Duration.             |
|  | VII. Ratification.        |

The United States of America and His Majesty the King of the Netherlands, anxious to regulate the commerce and navigation carried on between the two countries in their respective vessels, have, for that purpose, named Plenipotentiaries; that is to say:

The President of the United States has appointed John Forsyth, Secretary of State of the said United States; and His Majesty the King of the Netherlands, Jonkeer Evert Marius Adrian Martini, Member of the body of Nobles of the Province of North Brabant, Knight of the order of the Netherland Lion, and His Chargé d'Affaires near



the United States, who having exchanged their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.

[Superseded by Articles I and II Treaty of 1852, p. 441.]

ARTICLE II.

[Superseded by Article III Treaty of 1852, p. 442.]

ARTICLE III.

It is further agreed between the two contracting parties, that the Consuls and Vice Consuls of the United States in the ports of the Netherlands in Europe; and reciprocally the Consuls and Vice Consuls of the Netherlands in the ports of the said States, shall continue to enjoy all privileges, protection and assistance, as may be usual and necessary for the duly exercising of their functions, in respect also of the deserters from the vessels, whether public or private, of their countries.

ARTICLE IV.

The Contracting Parties agree to consider and treat as vessels of the United States and of the Netherlands, all such as, being furnished by the competent authority with a passport or sea-letter, shall, under the then existing laws and regulations, be recognized as national vessels by the country to which they respectively belong.

ARTICLE V.

In case of shipwreck or damage at sea, each party shall grant to the vessels, whether public or private, of the other, the same assistance and protection which would be afforded to its own vessels in like cases.

ARTICLE VI.

The present treaty shall be in force for the term of ten years, commencing six weeks after the exchange of the ratifications; and further until the end of twelve months after either of the Contracting Parties shall have given to the other notice of its intention to terminate the same: Each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of ten years. And it is hereby mutually agreed, that in case of such notice this treaty, and all the provisions thereof, shall at the end of the said twelve months, altogether cease and determine.

ARTICLE VII.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within six months of its date, or sooner, if practicable.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in duplicate at the city of Washington, this nineteenth day of January in the year of our Lord one thousand eight hundred and thirty-nine.

[SEAL.]  
[SEAL.]

JOHN FORSYTH.  
ADR. MARTINI.

1852.

## CONVENTION OF COMMERCE AND NAVIGATION.

*Concluded August 26, 1852; ratification advised by the Senate February 17, 1853; ratified by the President February 21, 1853; ratifications exchanged February 25, 1853; proclaimed February 26, 1853. (Treaties and Conventions, 1889, p. 763.)*

## ARTICLES.

- |  |   |
|--|---|
| I. Import and export duties, bounties, drawbacks, etc.<br>II. Trade with colonies of the Netherlands.<br>III. Shipping dues. | IV. Coasting trade and fisheries.<br>V. Discriminations in favor of direct trade.<br>VI. Duration and extent.<br>VII. Ratification. |
|--|---|

The United States of America and His Majesty the King of the Netherlands, being desirous of placing the commerce of the two countries on a footing of greater mutual equality, have appointed as their Plenipotentiaries for that purpose; that is to say: the President of the United States of America, Daniel Webster, Secretary of State of the United States, and His Majesty the King of the Netherlands, François Mathieu Wenceslas Baron Testa, Commander of the Royal Grand Ducal Order of the Crown of Oak of Luxembourg, Knight of the Royal Order of the Lion of the Netherlands, and of the Grand Ducal Order of the White Falcon, Third Class; Counsellor of Legation, and His Majesty's Chargé d'Affaires to the Government of the United States of America; who, after having communicated to each other their respective powers, found in good and due form, have agreed that, for and in lieu of the first and second articles of the treaty of commerce and navigation signed at Washington on the 19<sup>th</sup> of January, 1839, between the High Contracting Parties, the following articles shall be substituted:<sup>1</sup>

## ART. I.

Goods and merchandise, whatever their origin may be, imported into, or exported from, the ports of the United States, from and to any other country, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels. Reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands, from and to any other country, in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels.

The bounties, drawbacks, and other privileges of this nature, which may be granted in the States of either of the Contracting Parties, on goods imported or exported in national vessels, shall also and in like manner be granted on goods imported or exported in vessels of the other country.

## ART. II.

The above reciprocal equality in relation to the flags of the two countries is understood to extend also to the ports of the colonies and

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<sup>1</sup> See page 440.

dominions of the Netherlands beyond the seas, in which goods and merchandise, whatever their origin may be, imported or exported from and to any other country in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported from and to the same places in vessels of the Netherlands. The bounties, drawbacks, or other privileges of similar denomination which may be there granted on goods and merchandise imported or exported in vessels of the Netherlands, shall also and in like manner be granted on goods and merchandise imported or exported in vessels of the United States.

### ART. III.

Neither party shall impose upon the vessels of the other, whether carrying cargoes or arriving in ballast from either of the two countries, or any other country, any duties of tonnage, harbor dues, light-house, salvage, pilotage, quarantine, or port charges of any kind or denomination, which shall not be imposed in like cases on national vessels.

### ART. IV.

The present arrangement does not extend to the coasting trade and fisheries of the two countries respectively, which are exclusively allowed to national vessels; it being moreover understood that, in the East Indian Archipelago of the Netherlands the trade from island to island is considered as coasting trade, and likewise in the United States, the trade between their ports on the Atlantic and their ports on the Pacific; and if, at any time, either the Netherlands or the United States shall allow to any other nation the whole or any part of the said coasting trade, the same trade shall be allowed on the same footing, and to the same extent, to the other party. It being however expressly understood and agreed that nothing in this article shall prevent the vessels of either nation from entering and landing a portion of their inward cargoes at one port of the other nation, and then proceeding to any other port or ports of the same, to enter and land the remainder, nor from preventing them in like manner from loading a portion of their outward cargoes at one port and proceeding to another port or ports to complete their lading, such landing or lading to be done under the same rules and regulations as the two Governments may respectively establish for their national vessels in like cases.

### ART. V.

The above reciprocal equality in relation to the flags of the two countries is not understood to prevent the Government of the Netherlands from levying discriminating duties of import or export in favor of the direct trade between Holland and her colonies and dominions beyond the seas; but American vessels engaged in such direct commerce shall be entitled to all the privileges and immunities, whether as regards import or export duties, or otherwise, that are or may be enjoyed by vessels under the Dutch flag. Likewise, the United States shall continue to levy the discriminating duties imposed by the present tariff on teas and coffee, in favor of the direct importation of these articles from the place of their growth, but also without

discriminating between the flags of the two countries. And if, at any time, the Netherlands or the United States shall abolish the said discriminating duties, it is understood that the same shall be in like manner abolished in relation to the commerce of the other country.

ART. VI.

The present convention shall be considered as additional to the above mentioned treaty of the 19<sup>th</sup> of January, 1839, and shall, altogether with the unmodified articles of that treaty, be in force for the term of two years, commencing six weeks after the exchange of the ratifications; and further until the end of twelve months after either of the Contracting Parties shall have given to the other notice of its intention to terminate the same: each of the Contracting Parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of two years. And it is hereby mutually agreed that, in case of such notice, this convention, and all the provisions thereof, as well as the said treaty of 19<sup>th</sup> January, 1839, and the provisions thereof, shall, at the end of the said twelve months altogether cease and determine.

ART. VII.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington within six months of its date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done, in duplicate, at the City of Washington, this twenty-sixth day of August, in the year of our Lord one thousand eight hundred and fifty-two.

DAN<sup>L</sup> WEBSTER [SEAL.]  
F<sup>S</sup> TESTA. [SEAL.]

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1855.

CONSULAR CONVENTION.

*Concluded January 22, 1855; ratification advised by the Senate March 3, 1855; ratified by the President March 5, 1855; ratifications exchanged May 25, 1855; proclaimed May 26, 1855. (Treaties and Conventions, 1889, p. 765.)*

By this convention consuls were received into the colonies of the Netherlands. It was abrogated August 20, 1879, being superseded by the Convention of 1878, printed on the next page.

1878.

## CONSULAR CONVENTION.

*Concluded May 23, 1878; ratification advised by the Senate June 6, 1878; ratified by the President June 21, 1878; time for exchange of ratifications extended by the Senate January 29, 1879, and May 8, 1879; ratifications exchanged July 31, 1879; proclaimed August 1, 1879. (Treaties and Conventions, 1889, p. 769.)*

## ARTICLES.

- |  |                                      |
|--|--------------------------------------|
| I. Consular officers authorized.         | X. Rights of consular officers.      |
| II. Commissions and exequaturs.          | XI. Settlement of shipping disputes. |
| III. Exemptions and privileges.          | XII. Deserters from ships.           |
| IV. Testimony by consular officers.      | XIII. Damages at sea.                |
| V. Arms and flags.                       | XIV. Shipwrecks and salvage.         |
| VI. Inviolability of archives.           | XV. Notification of deaths.          |
| VII. Acting consular officers.           | XVI. Duration.                       |
| VIII. Vice-consular officers and agents. | XVII. Ratification.                  |
| IX. Communication with authorities.      |                                      |

The United States and His Majesty, the King of the Netherlands, being equally actuated by a desire to determine with precision the reciprocal rights, privileges, immunities and duties of their respective consular officers, together with their functions, have resolved to conclude a consular convention, and have appointed their plenipotentiaries, viz., The President of the United States of America, William M. Evarts, Secretary of State of the United States, His Majesty, the King of the Netherlands, Jonkheer Rudolph Alexander August Eduard von Pestel, Knight of the Order of the Netherland's Lion, His Majesty's Minister Resident in the United States, who having exchanged their respective full powers which were found to be in good and due form, have agreed upon the following articles.

## ARTICLE I.

Each of the high contracting parties agrees to receive Consuls General, Vice Consuls General, Consuls, Vice Consuls and Consular Agents of the other, into all its ports, cities and places, except in those localities where there may be some objection to admitting such officers.

This exception, however, shall not be made in regard to one of the high contracting parties, without being made likewise in regard to every other Power.

## ARTICLE II.

The Consuls General, Vice Consuls General, Consuls, Vice-Consuls and Consular Agents of the two high contracting parties, shall be reciprocally received and recognized on producing their commissions in the forms established in their respective countries, and the necessary exequaturs shall be delivered to them free of cost, on exhibiting which they shall enjoy the rights, prerogatives and immunities which are granted by the present convention. The Government granting the exequatur shall be at liberty to withdraw the same on stating the reasons for which it has thought proper so to do.

Notice shall be given, on producing the commission, of the extent of the district allotted to the consular officer, and subsequently of the changes that may be made in this district.

## ARTICLE III.

The respective Consuls General, Vice Consuls General, Consuls, Vice-Consuls, Consular Agents, Consular Pupils and Consular Clerks of the high contracting parties, shall enjoy in the two countries all the privileges, exemptions and immunities which are enjoyed or which may be hereafter enjoyed by the officers of the same rank of the most favored nation. Such consular officers being citizens or subjects of the country which has appointed them shall be exempted from military billeting and contributions and from all military service by land or by sea, whether in the regular army, in the national or civic guard, or in the militia, and shall enjoy personal immunity from arrest or imprisonment except for acts constituting crimes or misdemeanors by the laws of the country in which they reside. They shall, moreover, when citizens or subjects of the country which has appointed them, and provided they be not engaged in commerce or manufactures, likewise be exempt from capitation or sumptuary taxes, and from all other fiscal duties or contributive taxes of a direct or personal character; but this immunity shall not extend to customs, excise or octroi duties, nor to taxes upon real or personal property which they may acquire or own in the country in which they exercise their functions.

Consular officers who engage in commerce shall not plead their consular privileges to avoid their commercial liabilities.

## ARTICLE IV.

If the testimony of a consular officer, who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, is needed before the courts of either country, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally at his dwelling or office.

To obtain the testimony of such consular officer before the courts of the country where he may exercise his functions, the interested party in civil cases, or the accused in criminal cases, shall apply to the competent judge, who shall invite the consular officer in the manner prescribed in § I, to give his testimony.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided.

Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions in the sixth article of the amendments to the constitution of the United States, or with like provisions in the constitutions of the several States, whereby the right is secured to persons charged with crimes, to obtain witnesses in their favor, and to be confronted with the witnesses against them.

## ARTICLE V.

Consuls General, Vice-Consuls General, Consuls, Vice-Consuls and Consular Agents may place above the outer door of their offices, or residences, the arms of their nation, together with a proper inscription indicative of their office—They may also display the flag of their country over their offices, or dwellings, and may hoist their flag upon any vessel employed by them in port in the discharge of their duty.



## ARTICLE VI.

The Consular Archives shall be at all times inviolable, and the local authorities shall under no pretext, examine or seize the papers belonging thereto.

When a consular officer is engaged in business, the papers relating to the Consulate shall be kept in a separate enclosure and apart from the papers pertaining to his business.

The offices and dwellings of consular officers shall in no event be used as places of asylum.

## ARTICLE VII.

In the event of inability to act, absence or decease of Consuls General, Vice Consuls General, Consuls, Vice Consuls, Consular Agents, their Consular Pupils and Consular Clerks, Chancellors or Secretaries whose official character may have previously been made known to the Department of State at Washington, or to the Minister of Foreign Affairs at the Hague, shall be permitted to take charge *ad interim* of the business of the Consulate, and while thus acting, and so far as may be competent according to Article III, if foreign citizens not engaged in commerce, shall enjoy all the rights, privileges and immunities granted to the incumbents.

## ARTICLE VIII.

Consuls General and Consuls may with the approval of their respective governments, appoint Vice Consuls General, Vice-Consuls and Consular Agents in the cities, ports and places within their consular district. They may appoint as such, without distinction, citizens of the United States, subjects of the Netherlands, or citizens or subjects of other countries. The persons so appointed shall be furnished with a commission, and shall enjoy the privileges, rights and immunities provided for in this convention in favor of consular officers, subject to provisions and limitations as specified in Article III, and in other articles hereof.

## ARTICLE IX.

The Consuls General, Vice Consuls General, Consuls, Vice Consuls and Consular Agents of the two high contracting parties, shall have the right to address the authorities of the respective countries, national or local, judicial or executive, within the extent of their respective consular districts, for the purpose of complaining of any infraction of the treaties or conventions existing between the two countries, or for purposes of information, or for the protection of the rights and interests of their countrymen.

If such application shall not receive proper attention, such consular officers may, in the absence of the Diplomatic Agent of their country, apply directly to the government of the country in which they reside.

## ARTICLE X.

Consuls General, Vice Consuls General, Consuls, Vice-Consuls or consular agents of the two countries, or their chancellors, shall have the right conformably to the laws and regulations of their country:

1: To take at their office or dwelling, at the residence of the

parties, or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or of any other persons.

2: To receive and verify certificates of births and deaths of their countrymen and of marriages between them, and all unilateral acts, wills and bequests of their countrymen, and any and all acts of agreement entered upon between subjects or citizens of their own country, and between such subjects or citizens and the subjects or citizens or other inhabitants of the country where they reside, and also all contracts between the latter; provided such unilateral acts, acts of agreement or contracts relate to property situated or to business to be transacted in the territory of the nation by which the said consular officers are appointed.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul General, Vice Consul General, Consul, Vice-Consul or Consular Agent under his official seal, shall be received in courts of Justice, as legal documents or as authenticated copies as the case may be, subject to the provisions of law on such subject, however, in the two countries.

#### ARTICLE XI.

Consuls General, Vice Consuls General, Consuls, Vice Consuls and Consular Agents shall have charge of the internal order on board of the merchant vessels of their nation, to the exclusion of all local authorities. They shall take cognizance of all disputes and determine all differences which may have arisen at sea, or which may arise in port, between the captains, officers and crews, including disputes concerning wages and the execution of contracts reciprocally entered into. The courts or other authorities of either country, shall on no account interfere in such disputes unless such differences on board ship be of a nature to disturb the public peace on shore or in port, or unless persons other than the officers and crew are parties thereto.

The Consuls General, Vice Consuls General, Consuls, Vice Consuls, and Consular Agents shall be at liberty to go, either in person or by proxy, on board vessels of their nation admitted to entry, and to examine the officers and crews, to examine the ships' papers, to receive declarations concerning their voyage, their destination and the incidents of the voyage; also to draw up manifests and lists of freight or other documents, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country to assist them as their interpreters or agents.

#### ARTICLE XII.

The Consuls General, Vice-Consuls General, Consuls, Vice-Consuls and Consular Agents of the two countries may respectively cause to be arrested and sent on board, or cause to be returned to their own country, such officers, seamen or other persons forming part of the crew of ships of war or merchant vessels of their nation, who may have deserted in one of the ports of the other.

To this end they shall respectively address the competent national or local authorities in writing and make request for the return of the deserter, and furnish evidence by exhibiting the register, crew list or other official documents of the vessel, or a copy or extract therefrom,

duly certified, that the persons claimed belong to said ship's company. On such application being made, all assistance shall be furnished for the pursuit and arrest of such deserters, who shall even be detained and guarded in the jails of the country, pursuant to the requisition and at the expense of the Consuls General, Vice Consuls General, Consuls, Vice-Consuls, or Consular Agents until they find an opportunity to send the deserters home.

If, however, no such opportunity shall be had for the space of three months from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is understood that persons who are subjects or citizens of the country within which the demand is made, shall be exempted from these provisions. If the deserter shall have committed any crime or offence in the country within which he is found, he shall not be placed at the disposal of the Consul until after the proper tribunal having jurisdiction in the case shall have pronounced sentence, and such sentence shall have been executed.

#### ARTICLE XIII.

Except in the case of agreement to the contrary, between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they put into port voluntarily, or are forced so to do by stress of weather, shall be adjusted by the Consuls General, Vice-Consuls General, Consuls, Vice Consuls, and Consular Agents of the respective countries.

If, however, any inhabitants of the country, or subjects or citizens of a third nation shall be interested in such damages, and if the parties cannot agree, recourse may be had to the competent local authorities.

#### ARTICLE XIV.

All necessary measures connected with the salvage of vessels of the United States which shall have been wrecked on the coasts of the Netherlands, with their cargoes and all that appertains to such vessel, shall be taken by the Consuls General, Vice Consuls General, Consuls, Vice Consuls, and Consular Agents of the United States, and reciprocally, the Consuls General, Vice Consuls General Consuls, Vice-Consuls, and Consular-agents of the Netherlands shall take such necessary measures in the case of the wreck of vessels of their country on the coasts of the United States.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interest of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

In the absence of and until the arrival of the Consuls General, Vice Consuls General, Consuls, Vice Consuls and Consular Agents, it shall be the duty of the local authorities to take all necessary measures for the preservation of the persons and property on board of the wrecked vessel.

It is understood that the merchandise saved is not to be subjected to any Custom-House charges, unless it be intended for consumption in the country where the wreck may have taken place.

## ARTICLE XV.

In case of death of any citizen of the United States in the Netherlands, or of any subject of the Netherlands in the United States, without having in the country of his decease any known heirs, or testamentary executors by him appointed, or in case of minority of the heirs, there being no guardian, the competent local authorities shall at once inform the nearest consular officer of the nation to which the deceased belongs, of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

The said consular officer shall have the right to appear personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

## ARTICLE XVI.

The present convention shall not be applicable to colonies of either of the High Contracting Parties, and shall not take effect until the Twentieth day after its promulgation in the manner prescribed by the laws of the two countries.

It shall remain in force for five years from the date of the exchange of ratifications.

In case neither of the contracting parties shall have given notice twelve months before the expiration of the said period, of its desire to terminate this convention, it shall remain in force for one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice for its termination.

## ARTICLE XVII.

The present convention shall be ratified, and the ratifications thereof shall be exchanged at the city of Washington, within six months from the date hereof, and sooner if possible.

In testimony whereof, the respective plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate at Washington, in the English and Dutch languages, on the twenty third day of May, in the year of Grace, one thousand eight hundred and seventy eight.

WILLIAM MAXWELL EVARTS	[SEAL.]
R. VON PESTEL	[SEAL.]

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1880.

## EXTRADITION CONVENTION.

*Concluded May 22, 1880; ratification advised by the Senate June 15, 1880; ratified by the President June 25, 1880; ratifications exchanged June 29, 1880; proclaimed July 30, 1880. (Treaties and Conventions, 1889, p. 775.)*

This convention of twelve articles was superseded by the Convention of 1887, which follows.

1887.

## EXTRADITION CONVENTION.

*Concluded June 2, 1887; ratification advised by the Senate March 26, 1889; ratified by the President April 17, 1889; ratifications exchanged May 31, 1889; proclaimed June 21, 1889. (U. S. Stats. Vol. 26, p. 1481.)*

## ARTICLES.

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| <p>I. Delivery of accused.<br/>         II. Extraditable crimes.<br/>         III. Political offenses.<br/>         IV. Restrictions on trials.<br/>         V. Exemptions.<br/>         VI. Persons under arrest in country where found.<br/>         VII. Persons claimed by two or more powers.</p> | <p>VIII. Nondelivery of citizens.<br/>         IX. Expenses.<br/>         X. Articles found on fugitives.<br/>         XI. Procedure.<br/>         XII. Provisional arrest and detention.<br/>         XIII. Duration; ratification.</p> |
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The United States of America and His Majesty the King of the Netherlands having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of, the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a new convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States of America; Thomas F. Bayard, Secretary of State of the United States, and

His Majesty the King of the Netherlands; William Ferdinand Henry von Weckherlin, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

## ARTICLE I.

The United States of America and His Majesty the King of the Netherlands reciprocally engage to deliver up to justice all persons convicted of or charged with any of the crimes or offences enumerated in the following article, committed within the respective jurisdiction of the United States of America, or of the Kingdom of the Netherlands, exclusive of the Colonies thereof, such persons being actually within such jurisdiction when the crime or offence was committed, who shall seek an asylum or shall be found within the jurisdiction of the other, exclusive of the Colonies of the Netherlands: Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had been there committed.

## ARTICLE II.

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes:

1. Murder, including infanticide; manslaughter.



2. Rape, bigamy, abortion.
3. Arson.
4. Mutiny, and rebellion on shipboard by two or more passengers against the authority of the commander of the ship, or by the crew or part of the crew, against the commander or the ship's officers.
5. Burglary; or the corresponding crime in the Netherlands law under the description of thefts committed in an inhabited house by night, and by breaking in, by climbing, or forcibly.
6. The act of breaking into and entering public offices or the offices of banks, banking-houses, savings-banks, trust companies, or insurance companies, with intent to commit theft therein; and also the thefts resulting from such act.
7. Robbery; or the corresponding crime punished in the Netherlands law under the description of theft committed with violence or by means of threats.
8. Forgery, or the utterance of forged papers including the forgery or falsification of official acts of the Government or public authority or courts of justice affecting the title or claim to money or property.
9. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or coupons thereof, or of bank-notes, or the utterance or circulation of the same, or the counterfeiting, falsifying or altering of the seals of State.
10. Embezzlement by public officers.
11. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when the offence is subject to punishment by imprisonment by the laws of both countries.
12. Destruction or loss of a vessel on the high seas, or within the jurisdiction of the party asking the extradition, caused intentionally.
13. Kidnapping of minors, defined to be the abduction or detention of a minor for any unlawful end.
14. Obtaining by false devices money, valuables or other personal property, and the purchase of the same with the knowledge that they have been so obtained, when the crimes or offences are punishable by imprisonment or other corporal punishment by the laws of both countries.
15. Larceny, defined to be the theft of effects, personal property, or money.
16. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.

Extradition shall also be granted for complicity in any of the crimes or offences enumerated in this article, provided that the persons charged with or convicted of such complicity may be punished as accessories with imprisonment of a year or more, by the laws of both countries.

Extradition may also be granted for the attempt to commit any of the crimes above enumerated, when such attempt is punishable with imprisonment of a year or more, by the laws of both contracting parties.

### ARTICLE III.

The provisions of this convention shall not apply to any crime or offence of a political character, nor to acts connected with such crimes or offences; and no person surrendered under the provisions hereof shall in any case be tried or punished for a crime or offence of a



political character, nor for any act connected therewith, committed previously to his extradition.

#### ARTICLE IV.

No person shall be tried or punished, after surrender, for any crime or offence other than that for which he was surrendered, if committed previous to his surrender, unless such crime or offence be one of those enumerated in Article II hereof.

#### ARTICLE V.

A fugitive criminal shall not be surrendered under the provisions hereof when, by lapse of time, he is exempt from prosecution or punishment for the crime or offence for which the surrender is asked, according to the laws of the country from which the extradition is demanded, or when his extradition is asked for the same crime or offence for which he has been tried, convicted or acquitted in that country, or so long as he is under prosecution for the same.

#### ARTICLE VI.

If the person whose extradition may be claimed pursuant to the stipulations hereof, be actually under prosecution for a crime or offence in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be terminated, and until such criminal shall be set at liberty in due course of law.

#### ARTICLE VII.

If the person claimed by one of the parties hereto shall also be claimed by one or more powers, pursuant to treaty provisions on account of crimes committed within their jurisdiction, such criminal shall be delivered in preference, in accordance with that demand which is the earliest in date.

#### ARTICLE VIII.

Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, its own citizens or subjects.

#### ARTICLE IX.

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

#### ARTICLE X.

All articles found in the possession of the fugitive criminal at the time of his arrest, which were obtained through the commission of the act of which he is convicted or with which he is charged, or which may be material as evidence in making proof of the crime, shall, so far as practicable according to the laws or practice in the respective countries, be delivered up with his person at the time of surrender. Nevertheless, the rights of third parties, with regard to all such articles, shall be duly respected.

## ARTICLE XI.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country, or its seat of government, requisition may be made by consular officers.

When the person whose extradition shall have been asked, shall have been convicted of the crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal and accompanied by an attestation of the official character of the judge by the proper authority, shall be furnished.

If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, authenticated as above provided, with such other evidence or proof as may be deemed competent in the case.

If, after an examination, it shall be decided, according to the law and evidence, that extradition is due pursuant to this convention, the fugitive shall be surrendered according to the forms of law prescribed in such cases.

## ARTICLE XII.

It shall be lawful for any competent judicial authority of the United States of America, upon production of a certificate issued by the Secretary of State that request has been made by the Government of the Netherlands for the provisional arrest of a person convicted or accused of the commission therein of a crime extraditable under this convention, and upon legal complaint that such crime has been so committed, to issue his warrant for the apprehension of such person. But if the formal requisition for surrender with the documentary proofs hereinbefore prescribed be not made as aforesaid, by the diplomatic agent of the demanding government, or, in his absence, by a consular officer thereof, within forty days from the date of the commitment of the person convicted or accused, the prisoner shall be discharged from custody.

And it shall be lawful for any competent judicial authority of the Netherlands, upon production of a certificate issued by the Minister of Foreign Affairs that request has been made by the government of the United States for the provisional arrest of a person convicted or accused of the commission therein of a crime extraditable under this convention, to issue his warrant for the apprehension of such person. But if the formal requisition for surrender with the documentary proofs hereinbefore prescribed be not made as aforesaid by the diplomatic agent of the demanding government, or, in his absence, by a consular officer thereof, within forty days from the date of the arrest of the person convicted or accused, the prisoner shall be discharged from custody.

## ARTICLE XIII.

The present convention shall take effect on the twentieth day after its promulgation in the manner prescribed by the laws of the respective countries. On the same day the convention<sup>1</sup> entered into by the two contracting parties on the 22<sup>d</sup> day of May, 1880, shall be

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<sup>1</sup> See page 449.

abrogated and annulled. But the present convention shall be held to apply to crimes enumerated in the former convention and committed prior to its abrogation and annulment. And as to other crimes, the present convention shall not be held to operate retroactively.

After the present convention shall have gone into operation, it shall continue until one of the two parties shall give to the other six months' notice of its desire to terminate it.

This convention shall be ratified, and the ratifications shall be exchanged at Washington or The Hague as soon as possible.

In testimony whereof the respective plenipotentiaries have signed the present convention, in duplicate, and have hereunto affixed their seals.

Done at the City of Washington the second day of June in the year of our Lord, one thousand eight hundred and eighty-seven.

T. F. BAYARD.

W. F. H. VON WECKHERLIN

[SEAL.]  
[SEAL.]

## NEW GRANADA.

(SEE COLOMBIA.)

# NICARAGUA.

1867.

## TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, AND AS TO ISTHMIAN TRANSIT.

*Concluded June 21, 1867; ratification advised by the Senate January 20, 1868; ratified by the President February 7, 1868; ratifications exchanged June 20, 1868; proclaimed August 13, 1868. (Treaties and Conventions, 1889, p. 779.)*

### ARTICLES.

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|---|---|
| I. Amity.                                     | XII. Religious freedom, etc.                  |
| II. Freedom of commerce; coasting trade.      | XIII. Asylum to vessels.                      |
| III. Most favored nation privileges.          | XIV. Transit from Atlantic to Pacific oceans. |
| IV. Import and export duties.                 | XV. Neutrality, etc., of transit.             |
| V. Shipping dues.                             | XVI. Protection of transit.                   |
| VI. Freedom of carrying trade, bounties, etc. | XVII. Withdrawal of United States protection. |
| VII. Trade privileges, etc.                   | XVIII. Protection of grants.                  |
| VIII. Property rights, etc.                   | XIX. Dividends of transit company.            |
| IX. Civil rights.                             | XX. Duration.                                 |
| X. Diplomatic and consular privileges.        | XXI. Ratification.                            |
| XI. Property rights, etc., in case of war.    |   |

The United States of America, and the Republic of Nicaragua, desiring to maintain and to improve the good understanding and the friendly relations which now happily exist between them, to promote the commerce of their citizens, and to make some mutual arrangement with respect to a communication between the Atlantic and Pacific oceans by the River San Juan and either or both the lakes of Nicaragua and Managua, or by any other route through the territories of Nicaragua, have agreed for this purpose to conclude a treaty of friendship, commerce and navigation, and have accordingly named as their respective plenipotentiaries, that is to say; the President of the United States, Andrew B. Dickinson, minister resident and extraordinary to Nicaragua, and His Excellency the President of the republic of Nicaragua, Señor Licenciado Don Tomas Ayon, minister of foreign relations, who, after communicating to each other their full powers, found in due and proper form, have agreed upon the following articles;

### ARTICLE I.

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the republic of Nicaragua and its citizens of the other.

## ARTICLE II.

There shall be between all the territories of the United States and the territories of the republic of Nicaragua a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have full liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come, to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the two countries, respectively. In like manner the respective ships of war and post office packets of the two countries shall have liberty freely and securely to come to all harbors, rivers, and places to which other foreign ships of war and packets are or may be permitted to come, to enter the same, to anchor, and to remain there and refit, subject always to the laws and statutes of the two countries, respectively.

By the right of entering places, ports, and rivers, mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade National vessels only of the country where the trade is carried on are permitted to engage.

## ARTICLE III.

It being the intention of the two high contracting parties to bind themselves by the two preceding articles to treat each other on the footing of the most favored nations, it is hereby agreed between them, that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may grant hereafter, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other contracting party gratuitously, if the concession in favor of that other nation shall have been gratuitous, or in return for a compensation, as nearly as possible of a proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

## ARTICLE IV.

No higher or other duties shall be imposed on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the republic of Nicaragua, and no higher or other duties shall be imposed on the importation into the territories of the republic of Nicaragua, of any article being the growth, produce or manufacture of the United States, than are or shall be payable upon the like articles being the growth, produce or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of any articles the growth, produce, or manufacture of the territories of the United States or the republic of Nicaragua to or from the said territories

of the United States, or to or from the republic of Nicaragua, which shall not equally extend to all other nations.

#### ARTICLE V.

No higher or other duties or payments on account of tonnage, of light or harbor dues, or pilotage, of salvage in case of either damage or shipwreck, or on account of any local charges, shall be imposed in any of the ports of Nicaragua on vessels of the United States than those payable by Nicaraguan vessels, nor in any of the ports of the United States on Nicaraguan vessels than shall be payable in the same ports on vessels of the United States.

#### ARTICLE VI.

The same duties shall be paid on the importation into the territories of the republic of Nicaragua of any articles being the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in Nicaraguan vessels or in the vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the republic of Nicaragua, whether such importation shall be made in Nicaraguan or United States vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the republic of Nicaragua, of any article being the growth, produce, or manufacture of the territories of the United States, whether such exportation shall be made in Nicaraguan or United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles being the growth, produce, or manufacture of the republic of Nicaragua to the territories of the United States, whether such exportation shall be made in the vessels of the United States or of Nicaragua.

#### ARTICLE VII.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty in all the territories of the republic of Nicaragua to manage their own affairs themselves, as permitted by the laws, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Nicaraguans, nor to pay them any other salary or remuneration than such as is paid in like cases by Nicaraguan citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the republic of Nicaragua as they shall see good, observing the laws and established custom of the country.

The same privileges shall be enjoyed in the territories of the United States by the citizens of the republic of Nicaragua under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in said countries, respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases, advocates,



attorneys, or agents of whatsoever description, whom they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein as native citizens.

#### ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods, and effects, the succession to personal estates, by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country, respectively.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the republic of Nicaragua, in which foreigners shall be entitled to hold or inherit real estate. But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the state in which it may be situated, there shall be accorded to the said heir, or other successor, such time as the laws of the State will permit, to sell such property. He shall be at liberty, at all times, to withdraw and export the proceeds thereof without difficulty, and without paying to the government any other charges than those which would be paid by an inhabitant of the country in which the real estate may be situated.

If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the minister or consul, or other diplomatic agent of the nation to which the deceased belonged (or the representative of such minister or consul or other diplomatic agent, in case of absence) shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

#### ARTICLE IX.

1. The citizens of the United States residing in Nicaragua, or the citizens of Nicaragua residing in the United States, may intermarry with the natives of the country; hold and possess, by purchase, marriage, or descent, any estate, real or personal, without thereby changing their national character, subject to the laws which now exist or may be enacted in this respect.

2. The citizens of the United States residents in the republic of Nicaragua, and the citizens of Nicaragua residents in the United States, shall be exempted from all forced or compulsory military service whatsoever, by land or sea; from all contributions of war, military exactions, forced loans in time of war; but they shall be obliged, in the same manner as the citizens of each nation, to pay lawful taxes, municipal and other modes of imposts, and ordinary charges, loans, and contributions in time of peace, (as the citizens of the country are liable) in just proportion to the property owned.

3. Nor shall the property of either, of any kind, be taken for any public object without full and just compensation, to be paid in advance; and

4. The citizens of the two high contracting parties shall have the unlimited right to go to any part of the territories of the other, and in all cases enjoy the same security as the natives of the country where they reside, with the condition that they duly observe the laws and ordinances.

#### ARTICLE X.

It shall be free for each of the two high contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party. But before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of consuls such particular places as they judge fit to be excepted.

The diplomatic agents of Nicaragua and consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be allowed to the agents of the same rank belonging to the most favored nations; and in like manner the diplomatic agents and consuls of the United States in Nicaragua shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities, are or may be granted in the republic of Nicaragua to the diplomatic agents and consuls of the most favored nations.

#### ARTICLE XI.

For the better security of commerce between the citizens of the United States and the citizens of Nicaragua, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two high contracting parties, the citizens of either who may be within the territories of the other, shall, if residing on the coast, be allowed six months, and if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe conduct shall be given to them to embark at any port they themselves may select. Even in case of rupture, all such citizens of either of the high contracting parties who are established in any of the territories of the other, in trade or other employment, shall have the privilege of remaining and of continuing such trade or employment, without any manner of interruption, in the full enjoyment of liberty and property, so long as they behave peaceably, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody, or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, nor detained, nor sequestered.

#### ARTICLE XII.

The citizens of the United States and the citizens of the republic of Nicaragua, respectively, residing in any of the territories of the other party, shall enjoy, in their houses, persons, and property, the

protection of the government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed, in any manner, on account of their religious belief, nor in the proper exercise of their religion, agreeably to the system of tolerance established in the territories of the high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country.

Liberty shall also be granted to bury the citizens of either of the two high contracting parties who may die in the territories aforesaid, in burial places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

#### ARTICLE XIII.

Whenever a citizen of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, and given all favor and protection for repairing their vessels, procuring provisions, and placing themselves in all respects in a condition to continue their voyage without obstacle of any kind.

#### ARTICLE XIV.

The republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific oceans through the territory of that republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both republics and their respective citizens, the republic of Nicaragua, however, reserving its rights of sovereignty over the same.

#### ARTICLE XV.

The United States hereby agree to extend their protection to all such routes of communication as aforesaid, and to guarantee the neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection.

And the republic of Nicaragua, on its part, undertakes to establish one free port at each extremity of one of the aforesaid routes of communication between the Atlantic and Pacific oceans. At these ports no tonnage or other duties shall be imposed or levied by the government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country intended, *bona fide*, for transit across the said routes of communication, and not for consumption within the republic of Nicaragua. The United States shall also be at liberty, on giving notice to the government or authorities of Nicaragua, to carry troops and munitions of war, in their own vessels, or otherwise, to either of said free ports, and shall be entitled to their conveyance between them without obstruction by said government or authorities, and without any charges or tolls

whatever for their transportation on either of said routes; provided said troops and munitions of war are not intended to be employed against Central American nations friendly to Nicaragua. And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States, or of any other country, across the said routes of communication, than are or may be imposed on the persons and property of citizens of Nicaragua.

And the republic of Nicaragua concedes the right of the Postmaster-General of the United States to enter into contracts with any individuals or companies to transport the mails of the United States along the said routes of communication, or along any other routes across the isthmus, in its discretion, in closed bags, the contents of which may not be intended for distribution within the said republic, free from the imposition of all taxes or duties by the government of Nicaragua; but this liberty is not to be construed so as to permit such individuals or companies, by virtue of this right to transport the mails, to carry also passengers or freight.

#### ARTICLE XVI.

The republic of Nicaragua agrees that, should it become necessary at any time to employ military forces for the security and protection of persons and property passing over any of the routes aforesaid, it will employ the requisite force for that purpose; but upon failure to do this from any cause whatever, the government of the United States may, with the consent, or at the request of the government of Nicaragua, or of the minister thereof at Washington, or of the competent legally appointed local authorities, civil or military, employ such force for this and for no other purpose; and when, in the opinion of the government of Nicaragua, the necessity ceases, such force shall be immediately withdrawn.

In the exceptional case, however, of unforeseen or imminent danger to the lives or property of citizens of the United States, the forces of said republic are authorized to act for their protection without such consent having been previously obtained.

But no duty or power imposed upon or conceded to the United States by the provisions of this article shall be performed or exercised except by authority and in pursuance of laws of congress hereafter enacted. It being understood that such laws shall not affect the protection and guarantee of the neutrality of the routes of transit, nor the obligation to withdraw the troops which may be disembarked in Nicaragua directly that in the judgment of the government of this republic, they should no longer be necessary, nor in any manner bring about new obligations on Nicaragua, nor alter her rights in virtue of the present treaty.

#### ARTICLE XVII.

It is understood, however, that the United States, in according protection to such routes of communication, and guaranteeing their neutrality and security, always intend that the protection and guarantee are granted conditionally, and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this treaty, either by making unfair discriminations in favor of the commerce of any country or countries over the commerce of any other country

or countries, or by imposing oppressive exactions or unreasonable tolls upon mails, passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by the United States without first giving six months' notice to the republic of Nicaragua.

#### ARTICLE XVIII.

And it is further agreed and understood that in any grants or contracts which may hereafter be made or entered into by the government of Nicaragua, having reference to the inter-oceanic routes above referred to, or either of them, the rights and privileges granted by this treaty to the government and citizens of the United States shall be fully protected and reserved. And if any such grants or contracts now exist, of a valid character, it is further understood that the guarantee and protection of the United States stipulated in Article XV of this treaty, shall be held inoperative and void until the holders of such grants and contracts shall recognize the concessions made in this treaty to the government and citizens of the United States with respect to such inter-oceanic routes, or either of them, and shall agree to observe and be governed by these concessions as fully as if they had been embraced in their original grants or contracts; after which recognition and agreement said guarantee and protection shall be in full force; provided that nothing herein contained shall be construed either to affirm or to deny the validity of the said contracts.

#### ARTICLE XIX.

After ten years from the completion of a railroad or any other route of communication through the territory of Nicaragua, from the Atlantic to the Pacific ocean, no company which may have constructed or be in possession of the same shall ever divide, directly or indirectly, by the issue of new stock, the payment of dividends or otherwise, more than fifteen per cent. per annum, or at that rate, to its stockholders from tolls collected thereupon; but whenever the tolls shall be found to yield a larger profit than this, they shall be reduced to the standard of fifteen per cent. per annum.

#### ARTICLE XX.

The two high contracting parties, desiring to make this treaty as durable as possible, agree that this treaty shall remain in full force for the term of fifteen years from the day of the exchange of the ratifications; and either party shall have the right to notify the other of its intention to terminate, alter, or reform this treaty, at least twelve months before the expiration of the fifteen years; if no such notice be given, then this treaty shall continue binding beyond the said time, and until twelve months shall have elapsed from the day on which one of the parties shall notify the other of its intention to alter, reform, or abrogate this treaty.

#### ARTICLE XXI.

The present treaty shall be ratified, and the ratifications exchanged at the city of Managua, within one year, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the same, and affixed thereto their respective seals.



Done at the city of Managua, this twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-seven.

A. B. DICKINSON. [SEAL.]

[SEAL.] TOMÁS AYON.

1870.

### EXTRADITION CONVENTION.

*Concluded June 25, 1870; ratification advised by the Senate with amendments March 31, 1871; ratified by the President April 11, 1871; ratifications exchanged June 24, 1871; proclaimed September 19, 1871. (Treaties and Conventions, 1889, p. 787.)*

#### ARTICLES.

- |  |                              |
|--|------------------------------|
| I. Delivery of accused.                          | V. Procedure.                |
| II. Extraditable crimes.                         | VI. Expenses.                |
| III. Political and previous offenses.            | VII. Duration; ratification. |
| IV. Persons under arrest in country where found. |                              |

The United States of America and the Republic of Nicaragua, having judged it expedient, with a view to the better administration of justice, and to prevention of crimes within their respective territories and jurisdiction, that persons convicted of, or charged with the crimes hereinafter mentioned and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose, and have appointed as their plenipotentiaries: the President of the United States, Charles N. Riote, a citizen and Minister Resident of the United States in Nicaragua, the President of the Republic of Nicaragua, Mister Tomas Ayon, Minister for For. Relations, who after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, viz:

#### ARTICLE I.

The Government of the United States and the Government of Nicaragua mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other. Provided, that this shall only be done upon such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

#### ARTICLE II.

Persons shall be delivered up, who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes.

1. Murder, comprehending assassination, parricide, infanticide and poisoning.



2. The crimes of rape, arson, piracy and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

3. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another, goods or money, by violence or putting him in fear.

4. The crime of forgery, by which is understood, the utterance of forged papers, the counterfeiting of public, sovereign or government acts.

5. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, banknotes, and obligations, and in general, of all titles of instruments of credit, the counterfeiting of seals, dies, stamps, and marks of state and public administrations and the utterance thereof.

6. The embezzlement of public moneys committed within the jurisdiction of either party, by public officers or depositors

7. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subjected to infamous punishment.

### ARTICLE III.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article, shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

### ARTICLE IV.

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

### ARTICLE V.

Requisitions for the surrender of fugitives from justice, shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for, shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of Nicaragua, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the

proper executive authority in Nicaragua may, then, issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examining the question of extradition. If it should then be decided that, according to law and evidence, the extradition is due pursuant to this treaty, the fugitive may be given up according to the forms prescribed in such cases.

#### ARTICLE VI.

The expenses of the arrest, detention, and transportation of the persons claimed, shall be paid by the Government in whose name the requisition shall have been made.

#### ARTICLE VII.

This convention shall continue in force during five (5) years from the day of exchange of ratifications, but if neither party shall have given to the other six (6) months' previous notice of its intention to terminate the same, the convention shall remain in force five (5) years longer, and so on.

The present convention shall be ratified and the ratifications exchanged at the Capital of Nicaragua, or any other place temporally occupied by the Nicaraguan Government, within twelve (12) months, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at the city of Managua, Capital of the Republic of Nicaragua, the twenty fifth day of June one thousand eight hundred and seventy, of the independence of the United States the ninety fourth, and of the independence of Nicaragua the fifty ninth.

CHARLES N. RIOTTE. [SEAL.]  
TOMAS AYON. [SEAL.]

# NORTH GERMAN UNION.

(SEE ALSO GERMAN EMPIRE AND PRUSSIA.)

1868.

## NATURALIZATION CONVENTION.

*Concluded February 22, 1868; ratification advised by the Senate with amendment March 26, 1868; ratified by the President March 30, 1868; ratifications exchanged May 9, 1868; proclaimed May 27, 1868. (Treaties and Conventions, 1889, p. 790.)*

### ARTICLES.

- |  |                                     |
|--|-------------------------------------|
| I. Naturalization recognized.                        | IV. Renunciation of naturalization. |
| II. Punishment for offenses prior to naturalization. | V. Duration.                        |
| III. Extradition.                                    | VI. Ratification.                   |

The President of the United States of America and His Majesty the King of Prussia in the name of the North German Confederation, led by the wish to regulate the citizenship of those persons who emigrate from the North German Confederation to the United States of America, and from the United States of America to the territory of the North German Confederation, have resolved to treat on this subject, and have for that purpose appointed plenipotentiaries to conclude a convention, that is to say:

The President of the United States of America, George *Bancroft*, Envoy Extraordinary and Minister Plenipotentiary from the said States near the King of Prussia and the North German Confederation, and His Majesty the King of Prussia, Bernhard *König*, Privy Councillor of Legation, who have agreed to and signed the following articles:

### ARTICLE 1.

Citizens of the North German Confederation who become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years shall be held by the North German Confederation to be American citizens and shall be treated as such.

Reciprocally; citizens of the United States of America who become naturalized citizens of the North German Confederation and shall have resided uninterruptedly within North Germany five years shall be held by the United States to be North German citizens, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.

## ARTICLE 2.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitations established by the laws of his original country.

## ARTICLE 3.

The convention<sup>1</sup> for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Prussia and other states of Germany on the other part, the sixteenth day of June, one thousand eight hundred and fifty-two, is hereby extended to all the states of the North German Confederation.

## ARTICLE 4.

If a German naturalized in America renews his residence in North Germany without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally: if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany he shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

## ARTICLE 5.

The present convention shall go into effect immediately on the exchange of ratifications and shall continue in force for ten years. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

## ARTICLE 6.

The present Convention shall be ratified by the President by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Prussia in the name of the North German Confederation; and the ratifications shall be exchanged at Berlin within six months from the date hereof.

In faith whereof the Plenipotentiaries have signed and sealed this Convention.

BERLIN, the 22<sup>nd</sup> of February, 1868.

GEORGE BANCROFT [SEAL.]  
BERNHARD KÖNIG [SEAL.]

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<sup>1</sup>See p. 520

# NORWAY.

(SEE SWEDEN AND NORWAY.)

1893.

## EXTRADITION CONVENTION.

*Concluded June 7, 1893; ratification advised by the Senate November 1, 1893; ratified by the President November 3, 1893; ratifications exchanged November 8, 1893; proclaimed November 9, 1893. (U. S. Stats. Vol. 28, p. 1187.)*

### ARTICLES.

I. Delivery of accused.  
II. Extraditable crimes.  
III. Procedure.  
IV. Provisional detention.  
V. Nondelivery of citizens.  
VI. Political offenses.  
VII. Limitations.

VIII. Prior offenses.  
IX. Property seized with fugitives.  
X. Persons claimed by other countries.  
XI. Expenses.  
XII. Duration; ratification.

The United States of America and His Majesty the King of Sweden and Norway, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new treaty for the extradition of fugitives from justice between the United States of America and the Kingdom of Norway, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, W. Q. GRESHAM, Secretary of State of the United States, and

His Majesty the King of Sweden and Norway, J. A. W. GRIP, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States,

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

### ARTICLE I.

The Government of the United States and the Government of Norway mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminalty as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

## ARTICLE II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide and poisoning; attempt to commit murder; manslaughter, when voluntary.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny.

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than \$200 or Kroner 740.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Willful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea:

(a) Piracy, by statute or by the law of nations.

(b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(c) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(d) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave-trading.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished, in the United States as a felony, and in Norway by imprisonment at hard labor.

## ARTICLE III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.



The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in Norway, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

#### ARTICLE IV.

Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to a judge or other magistrate authorized to issue warrants of arrest in extradition cases and present a complaint on oath, as provided by the statutes of the United States.

When, under the provisions of this article, the arrest and detention of a fugitive are desired in the Kingdom of Norway, the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest or detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

#### ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

#### ARTICLE VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished, for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

#### ARTICLE VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

#### ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or

offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

#### ARTICLE IX.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

#### ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received: Provided, that the government from which extradition is sought is not bound by treaty to give preference otherwise.

#### ARTICLE XI.

The expenses incurred in the arrest, detention, examination, and delivery of fugitives under this Treaty shall be borne by the state in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; And, provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

#### ARTICLE XII.

The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. On the day on which it takes effect the Convention of March 21, 1860,<sup>1</sup> shall, as between the governments of the United States and of Norway, cease to be in force except as to crimes therein enumerated and committed prior to that day.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of six months after either of the contracting governments shall have given notice of a purpose to terminate it.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and the Norwegian languages, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington this seventh day of June, one thousand eight hundred and ninety-three.

WALTER Q. GRESHAM [SEAL.]  
J. A. W. GRIP [SEAL.]

<sup>1</sup> See p. 621.

## OLDENBURG.

The Duchy of Oldenburg became incorporated in the North German Union 1867. On March 10, 1847, it acceded to the treaty of commerce and navigation concluded with the Kingdom of Hanover June 10, 1846 (see page 288), and December 30, 1853, it acceded to the extradition treaty with Prussia and other Germanic States concluded June 16, 1852. (See page 520.)

# ORANGE FREE STATE.

1871.

## CONVENTION OF FRIENDSHIP, COMMERCE, AND EXTRADITION.

*Concluded December 22, 1871; ratification advised by the Senate April 24, 1872; ratified by the President April 27, 1872; ratifications exchanged August 18, 1873; proclaimed August 23, 1873. (Treaties and Conventions, 1889, p. 794.)*

By notification from the Government of the Orange Free State this convention of fourteen articles was denounced January 4, 1895.

# OTTOMAN EMPIRE.

(TURKEY.)

1830.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded May 7, 1830; ratification advised and time for exchange of ratifications extended by the Senate February 1, 1831; ratified by the President February 2, 1831; ratifications exchanged October 5, 1831; proclaimed February 4, 1832. (Treaties and Conventions, 1889, p. 798.)*

(The text here printed is a translation from the original treaty, which was in the Turkish language. Differences of opinion as to the true meaning of certain portions have been the subject of diplomatic correspondence without reaching an accord.)

### ARTICLES.

- |  |                                   |
|--|-----------------------------------|
| I. Trade privileges.                                   | V. Use of United States flag.     |
| II. Consular officers.                                 | VI. War vessels.                  |
| III. Treatment of United States merchants and vessels. | VII. Navigation of the Black Sea. |
| IV. Judicial treatment of United States citizens.      | VIII. Ships not to be impressed.  |
|  | IX. Shipwrecks.                   |
|  | Ratification.                     |

The object of this firm Instrument, and the motive of this writing well drawn up, is that:

No Treaty or diplomatic and official convention, having heretofore, existed between the Sublime Porte of perpetual duration, and the United States of America; at this time, in consideration of the desire formerly expressed, and of repeated propositions which have, lately, been renewed by that Power, and in consequence of the wish entertained by the Sublime Porte to testify to the United States of America, its sentiments of friendship, We, the undersigned Commissioner, invested with the high Office of Chief of the Chancery of State of the Sublime Porte existing forever, having been permitted by His very Noble Imperial Majesty to negotiate and conclude a Treaty, and having thereupon conferred with our friend, the Honorable Charles Rhind, who has come to this Imperial Residence, furnished with full powers, to negotiate settle and conclude, the Articles of a Treaty, separately and jointly, with the other two Commissioners, Commodore Biddle and David Offley, now at Smyrna, Have arranged, agreed upon and concluded, the following articles:

### ARTICLE I.

Merchants of the Sublime Porte, whether Mussulmans or Rayahs, going and coming, in the countries, provinces and ports, of the United States of America, or proceeding from one port to another, or from

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Federal cases: *Dainese v. Hale*, 91 U. S., 13; 1 *McArthur* (D. C.) 86; *Dainese v. United States*, 15 Ct. Cl., 64.

the ports of the United States to those of other countries, shall pay the same duties and other imposts, that are paid by the most favored nations; and they shall not be vexed by the exaction of higher duties; and in traveling by sea and by land, all the privileges and distinctions observed towards the subjects of other Powers, shall serve as a rule, and shall be observed, towards the merchants and subjects of the Sublime Porte. In like manner, American merchants who shall come to the well defended countries and ports of the Sublime Porte, shall pay the same duties and other imposts, that are paid by merchants of the most favored friendly Powers, and they shall not, in any way, be vexed or molested. On both sides, travelling passports shall be granted.

#### ARTICLE II.

The Sublime Porte may establish Shahbenders (Consuls) in the United States of America; and the United States may appoint their citizens to be Consuls or Vice-Consuls, at the commercial places in the dominions of the Sublime Porte where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice-Consuls shall be furnished with Berats or Firmans; they shall enjoy suitable distinction, and shall have necessary aid and protection.

#### ARTICLE III.

American merchants established in the well-defended states of the Sublime Porte, for purposes of commerce, shall have liberty to employ Semsars (brokers) of any nation or religion, in like manner as merchants of other friendly Powers; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels arriving, at or departing from the ports of the Ottoman Empire, shall not be subjected to greater visit by the Officers of the Custom-House and the Chancery of the Port than vessels of the most favored Nations.

#### ARTICLE IV.

If litigations and disputes should arise, between subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced unless the American Dragoman be present. Causes, in which the sum may exceed five hundred piastres, shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted, of any crime or offence, shall not be molested; and even when they may have committed some offence, they shall not be arrested and put in prison, by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offence, following in this respect, the usage observed towards other Franks.

#### ARTICLE V.

American merchant vessels that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flag; but they shall not take the flag of any other Power, nor shall they grant their flag to the vessels of other Nations and Powers, nor to



vessels of Rayahs. The Minister, Consuls, and Vice-Consuls of the United States, shall not protect, secretly or publicly, the Rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down, and agreed to by mutual consent.

#### ARTICLE VI.

Vessels of war of the two contracting parties, shall observe towards each other, demonstrations of friendship and good intelligence, according to naval usage; and towards merchant vessels they shall exhibit the same kind and courteous manner.

#### ARTICLE VII.

Merchant vessels of the United States, in like manner as vessels of the most favored nations, shall have liberty to pass the canal of the Imperial Residence, and go and come in the Black sea, either laden or in ballast; and they may be laden with the produce, manufactures and effects of the Ottoman Empire, excepting such as are prohibited, as well as of their own country.

#### ARTICLE VIII.

Merchant vessels of the two Contracting Parties shall not be forcibly taken, for the shipment of troops, munitions and other objects of war, if the Captains or Proprietors of the vessels, shall be unwilling to freight them.

#### ARTICLE IX.

If any merchant vessel of either of the contracting parties should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandise and effects, which it may be possible to save and recover, shall be conveyed to the Consul nearest to the place of the wreck, to be, by him, delivered to the Proprietors.

#### CONCLUSION.

The foregoing articles, agreed upon and concluded, between the Riasset (Chancery of State) and the above-mentioned Commissioner of the United States, when signed by the other two Commissioners, shall be exchanged. In ten months, from the date of this *temessuck*, or instrument of Treaty, the exchange of the ratifications of the two Powers shall be made, and the articles of this Treaty shall have full force and be strictly observed, by the two Contracting Powers.

Given the 14th day of the moon Zilcaade, and in the year of the Hegira, 1245, corresponding with the 7th day of May of the year 1830 of the Christian Era.

(signed)

MOHAMMED HAMED,  
Reis-ul-Kutab  
(Reis Effendi.)

1862.

TREATY OF COMMERCE AND NAVIGATION.

*Concluded February 25, 1862; ratification advised by the Senate April 9, 1862; ratified by the President April 18, 1862; ratifications exchanged June 5, 1862; proclaimed July 2, 1862. (Treaties and Conventions, 1889, p. 800.)*

This treaty of twenty-three articles is contended to have been abrogated upon notice given by the Turkish Government, to date from June 5, 1884.

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Federal case: *Dainese v. Hale*, 91 U. S. 13; 1 McArthur (D. C.), 86.

1874.

EXTRADITION TREATY.

*Concluded August 11, 1874; ratification advised by the Senate January 20, 1875; ratified by the President January 22, 1875; ratifications exchanged April 22, 1875; proclaimed May 26, 1875. (Treaties and Conventions, 1889, p. 821.)*

ARTICLES.

- |                           |                               |
|---------------------------|-------------------------------|
| I. Surrender of accused.  | V. Procedure.                 |
| II. Extraditable crimes.  | VI. Expenses.                 |
| III. Political offenses.  | VII. Nondelivery of citizens. |
| IV. Persons under arrest. | VIII. Duration; ratification. |

The United States of America and His Imperial Majesty the Sultan, having judged it expedient, with a view to the better administration of justice and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their plenipotentiaries:

the President of the United States Geo: H. Boker, Minister Resident of the United States of America near the Sublime Porte;

and His Imperial Majesty the Sultan, His Excellency A. Aarifi Pasha, his Minister for Foreign Affairs;

who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ART. I.

The Government of the United States and the Ottoman Government mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

## ART. II.

Persons shall be delivered up who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes:

1° Murder, comprehending the crimes designated by the terms of parricide, assassination, poisoning, and infanticide.

2° The attempt to commit murder.

3° The crimes of rape, arson, piracy and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

4° The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence or putting him in fear.

5° The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.

6° The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank-notes, and obligations and in general of all things, being titles and instruments of credit, the counterfeiting of seals, dies, stamps, and marks of state and public administrations and the utterance thereof.

7° The embezzlement of public moneys committed within the jurisdiction of either party, by public officers or depositors.

8° Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

## ART. III.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

## ART IV.

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offenses in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

## ART. V.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in the event of the absence of these from the country, or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority,

and of the latter by the Minister or consul of the United States or of the Sublime Porte, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or<sup>1</sup> of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States or the proper executive authority in Turkey may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

ART. VI.

The expenses of the arrest, detention, and transportation of the persons claimed shall be paid by the government in whose name the requisition has been made.

ART. VII.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

ART. VIII.

This convention shall continue in force during five (5) years from the day of exchange of ratification, but if neither party shall have given to the other six (6) months' previous notice of its intention to terminate the same, the convention shall remain in force five years longer, and so on.

The present convention shall be ratified, and the ratifications exchanged at Constantinople, within twelve (12) months, and sooner, if possible.

In witness whereof, the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Constantinople the eleventh day of August one thousand eight hundred and seventy four.

GEO: H. BOKER.

[SEAL.]

A. AARIFI.

[SEAL.]

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RIGHT TO HOLD REAL ESTATE IN TURKEY.<sup>2</sup>

*Protocol proclaimed by the President of the United States October 29, 1874.*

The United States of America and His Majesty the Sultan being desirous to establish by a special act the agreement entered upon between them regarding the admission of American citizens to the right of holding real estate, granted to for-

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<sup>1</sup> In the French text the word *et* (and) follows the word *commis* (committed).

<sup>2</sup> This protocol, the original of which is in the French language, is printed in this compilation as it states in detail the rights of citizens of the United States in respect to real estate in the Turkish dominions.

eigners by the law promulgated on the 7<sup>th</sup> of Sepher 1284, (January 18, 1867) have authorized:—

The President of the United States of America George H. Boker, Minister Resident of the United States of America near the Sublime Porte, and

His Imperial Majesty the Sultan His Excellency A. Aarifi Pasha, His Minister of Foreign Affairs, to sign the Protocol which follows:

#### PROTOCOL.

The law granting foreigners the right of holding real estate does not interfere with the immunities specified by the treaties, and which will continue to protect the person and the movable property of foreigners who may become owners of real estate.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman Empire, the Imperial Government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow.

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority and with the assistance of the magistrate or functionary invested with the necessary powers,—the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force cannot enter it without the assistance of the Consul or of the delegate of the Consul of the Power on which the Foreigner depends.

By residence we understand the house of inhabitation and its dependencies: that is to say, the out houses, courts, gardens and neighboring enclosures, to the exclusion of all other parts of the property.

In the localities distant by less than nine hours journey from the consular residence, the agents of the public force cannot enter the residence of a foreigner without the assistance of a Consul, as was before said.

On his part the Consul is bound to give his immediate assistance to the local authority, so as not to let six hours elapse between the moment which he may be informed and the moment of his departure, or the departure of his delegate, so that the action of the authorities may never be suspended more than twenty four hours.

In the localities distant by nine hours or more than nine hours of travel from the residence of the Consular agent, the agents of the public force may on the request of the local authority and with the assistance of three members of the Council of the Elders of the Commune, enter into the residence of a foreigner, without being assisted by the Consular Agent, but only in case of urgency, and for the search and the proof of the crime of murder, of attempt at murder; of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion and of the fabrication of counterfeit money, and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or in any other place.

These regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond the residence, the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offence, should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

The functionary or the officer charged with the accomplishment of a domiciliary visit, in the exceptional circumstances determined before, and the members of the Council of Elders who shall assist him, will be obliged to make out a *procès-verbal* of the domiciliary visit, and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest Consular agent without delay.

A special regulation will be promulgated by the Sublime Porte, to determine the mode of action of the local police in the several cases provided heretofore.

In localities more distant than nine hours' travel from the residence of the Consular agent, in which the law of the judicial organization of the Velayet may be in force, foreigners shall be tried, without the assistance of the Consular delegate by the Council of Elders fulfilling the function of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding one thousand piastres as for offences entailing a fine of five hundred piastres only at the maximum.

Foreigners shall have, in any case, the right of appeal to the tribunal of the



Arrondissement against the judgments issued as above stated, and the appeal shall be followed and judged with the assistance of the Consul, in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore shall not take place without the coöperation of the Consul or of his delegate.

The Imperial Government will enact a law which shall determine the rules of procedure to be observed by the parties, in the application of the preceding regulations.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the Council of Elders or of the tribunal of the canton without the assistance of the Consul in cases which do not exceed the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the Arrondissement, where the case may be brought and tried with the assistance of the Consul or his delegate.

The consent of a foreigner to be tried as above stated, without the assistance of his Consul, shall always be given in writing and in advance of all procedure.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

The right of defence and the publicity of the hearings shall be assured in all cases to foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

The preceding dispositions shall remain in force until the revision of the ancient treaties,—a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly Powers.

In witness whereof the respective plenipotentiaries have signed the Protocol and have affixed thereto their seals.

Done at Constantinople the eleventh of August, one thousand eight hundred and seventy four.

[SEAL.]  
[SEAL.]

GEO. H. BOKER.  
A. AARIFI.

[Translation.]

*Law Conceding to Foreigners the right of holding Real Estate in the Ottoman Empire.*

Imperial rescript.

Let it be done in conformity with the contents. 7 Sepher, 1284. (Jan. 18, 1867.)

With the object of developing the prosperity of the country, to put an end to the difficulties, to the abuses and to the uncertainties which have arisen on the subject of the right of foreigners to hold property in the Ottoman Empire, and to complete, in accordance with a precise regulation, the safeguards which are due to financial interests and to administrative action, the following legislative enactments have been promulgated by the order of His Imperial Majesty the Sultan.

ART. I.

Foreigners are admitted, by the same privilege as Ottoman subjects, and without any other restriction, to enjoy the right of holding Real Estate whether in the city or the country, throughout the Empire, with the exception of the Province of the Hédjaz, by submitting themselves to the laws and the regulations which govern Ottoman subjects, as is hereafter stated.

This arrangement does not concern subjects of Ottoman birth who have changed their nationality, who shall be governed in this matter by a special law.

ART. II.

Foreigners, proprietors of Real Estate in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

The legal effect of this equality is—

1° To oblige them to conform to all the laws and regulations of the police or of the municipality which govern at present or may govern hereafter the enjoyment, the transmission, the alienation and the hypothecation of landed property.

2° To pay all charges and taxes under whatever form or denomination they may be, that are levied, or may be levied hereafter, upon city or country property.



3° To render them directly amenable to the Ottoman civil tribunals in all questions relating to landed property, and in all real actions, whether as plaintiffs or as defendants, even when either party is a foreigner. In short, they are in all things to hold Real Estate by the same title, on the same condition and under the same forms as Ottoman owners and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

#### ART. III.

In case of the bankruptcy of a foreigner possessing real estate, the assignees of the bankrupt may apply to the authorities and to the Ottoman civil tribunals requiring the sale of the real estate possessed by the bankrupt, and which by its nature and according to law is responsible for the debts of the owner.

The same course shall be followed when a foreigner shall have obtained against another foreigner owning real estate a judgment of condemnation before a foreign tribunal.

For the execution of this judgment against the real estate of his debtor, he shall apply to the competent Ottoman authorities, in order to obtain the sale of that real estate which is responsible for the debts of the owner; and this judgment shall be executed by the Ottoman authorities and tribunals only after they have decided that the real estate of which the sale is required really belongs to the category of that property which may be sold for the payment of debt.

#### ART. IV.

Foreigners have the privilege to dispose, by donation or by testament, of that real estate of which such disposition is permitted by law.

As to that real estate of which they may not have disposed, or of which the law does not permit them to dispose by gift or testament, its succession shall be governed in accordance with Ottoman law.

#### ART. V.

All foreigners shall enjoy the privileges of the present law, as soon as the Powers on which they depend shall agree to the arrangements proposed by the Sublime Porte for the exercise of the right to hold real estate.

# PARAGUAY.

1859.

## CLAIMS CONVENTION.

*Concluded February 4, 1859; ratification advised by the Senate February 16, 1860; ratified by the President March 7, 1860; ratifications exchanged March 7, 1860; proclaimed March 12, 1860. (Treaties and Conventions, 1889, p. 828.)*

By this convention the claim of the United States and Paraguay Navigation Company against Paraguay was submitted to a commission of two, who met in Washington June 22, 1860, and adjourned August 13, 1860, deciding against the claim.

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1859.

## TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

*Concluded February 4, 1859; ratification advised by the Senate February 27, 1860; ratified by the President March 7, 1860; ratifications exchanged March 7, 1860; proclaimed March 12, 1860. (Treaties and Conventions, 1889, p. 830.)*

### ARTICLES.

- |   |  |
|---|--|
| I. Friendship.                                  | X. Property rights; estates of deceased persons.     |
| II. Freedom of navigation.                      | XI. Exemption from military service, etc.            |
| III. Most-favored-nation commercial privileges. | XII. Diplomatic and consular privileges.             |
| IV. No discriminations of imports and exports.  | XIII. Agreement in case of war.                      |
| V. Shipping dues.                               | XIV. Protection of property; religious freedom, etc. |
| VI. Carrying trade.                             | XV. Duration.  |
| VII. Nationality of vessels.                    | XVI. Ratification.                                   |
| VIII. Import and export duties.                 |  |
| IX. Trade privileges.                           |  |

In the name of the most Holy Trinity.

The Governments of the two Republics, the United States of America and of Paraguay in South America being mutually disposed to cherish more intimate relations and intercourse than those which have heretofore subsisted between them, and believing it to be of mutual advantage to adjust the conditions of such relations by signing a "Treaty of Friendship, Commerce and Navigation,"—for that object have nominated their respective Plenipotentiaries, that is to say:

His Excellency the President of the United States of America has nominated James B. Bowlin a Special Commissioner of the United States of America at Assumption,

And His Excellency the President of the Republic of Paraguay has nominated the Paraguayan citizen Nicolas Vasquez Secretary of State and Minister of Foreign Relations of the Republic of Paraguay.

Who after having communicated competent authorities, have agreed upon, and concluded the following Articles.

#### ARTICLE I.

There shall be perfect peace and sincere friendship between the Government of the United States of America and the Government of the Republic of Paraguay, and between the citizens of both States and without exception of persons or places. The high contracting parties shall use their best endeavors that this friendship and good understanding may be constantly and perpetually maintained.

#### ARTICLE II.

The Republic of Paraguay, in the exercise of the sovereign right which pertains to her, concedes to the merchant flag of the citizens of the United States of America the free navigation of the river Paraguay as far as the dominions of the Empire of Brazil, and of the right side of the Paraná throughout all its course belonging to the Republic, subject to police and fiscal regulations of the Supreme Government of the Republic in conformity with its concessions to the commerce of friendly nations. They shall be at liberty, with their ships and cargoes, freely and securely to come to, and to leave all the places and ports which are already mentioned, to remain and reside in any part of the said territories; hire houses and warehouses, and trade in all kinds of produce, manufactures and merchandize of lawful commerce, subject to the usages and established customs of the country. They may discharge the whole or a part, of their cargoes at the ports of Pilar, and where commerce with other nations may be permitted, or proceed with the whole or part, of their cargo to the port of Assumption, according as the Captain, owner or other duly authorized person shall deem expedient

In the same manner shall be treated and considered such Paraguayan citizens as may arrive at the ports of the United States of America with cargoes in Paraguayan vessels or vessels of the United States of America

#### ARTICLE III

The two high contracting parties hereby agree that any favor, privilege or immunity whatever, in matters of commerce or navigation which either contracting party has actually granted, or may hereafter grant to the citizens or subjects of any other State shall extend in identity of cases and circumstances, to the citizens of the other contracting party gratuitously, if the concession in favor of that other state shall have been gratuitous, or in return for an equivalent compensation, if the concession shall have been conditional:

#### ARTICLE IV.

No other or higher duties shall be imposed on the importation or exportation of any article of the growth produce or manufacture of the two contracting States, than are or shall be payable on the like article being the growth, produce or manufacture of any other foreign

country. No prohibition shall be imposed upon the importation or exportation of any article of the growth, produce or manufacture of the territories of either of the two contracting parties into the territories of the other, which shall not equally extend to the importation or exportation of similar articles to the territories of any other nation.

#### ARTICLE V

No other or higher duties or charges on account of tonnage, light or harbor dues, pilotage salvage in case of damage or shipwreck or any other local charges, shall be imposed in any of the ports of the territories of the Republic of Paraguay on vessels of the United States of America than those payable in the same ports by Paraguayan vessels; nor in the ports of the territories of the United States of America on Paraguayan vessels, than shall be payable in the same ports by vessels of the United States of America.

#### ARTICLE VI.

The same duties shall be paid upon the importation and exportation of any article which is or may be legally importable or exportable into the dominions of the United States of America and into those of Paraguay, whether such importation or exportation be made in vessels of the United States of America or in Paraguayan vessels.

#### ARTICLE VII.

All vessels, which, according to the laws of the United States of America are to be deemed vessels of the United States of America, and all vessels which according to the laws of Paraguay, are to be deemed Paraguayan vessels, shall, for the purposes of this Treaty be deemed vessels of the United States of America and Paraguayan vessels respectively.

#### ARTICLE VIII.

Citizens of the United States of America shall pay in the territories of the Republic of Paraguay the same import and export duties, which are established or may be established hereafter, for Paraguayan citizens. In the same manner the latter shall pay in the United States of America the duties which are established or may hereafter be established for citizens of the United States of America.

#### ARTICLE IX

All merchants, commanders of ships and others the citizens of each country respectively, shall have full liberty, in all the territories of the other, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as Agent, Broker, Factor or Interpreter; and they shall not be obliged to employ any other persons than those employed by natives, nor to pay to such persons as they shall think fit to employ, any higher salary or remuneration than such as is paid in like cases by natives.

The citizens of the United States of America in the territories of Paraguay, and the citizens of Paraguay in the United States of America shall enjoy the same full liberty, which is now, or may hereafter be, enjoyed by natives of each country respectively, to buy

from, and sell to, whom they like all articles of lawful commerce, and to fix the prices thereof as they shall see good without being affected by any monopoly, contract or exclusive privilege of sale or purchase, subject, however, to the general ordinary contributions or imposts established by law.

The citizens of either of the two contracting parties in the territories of the other, shall enjoy full and perfect protection for their persons and property, and shall have free and open access to the Courts of Justice for the prosecution and defence of their just rights; they shall enjoy, in this respect the same rights and privileges as native citizens; and they shall be at liberty to employ, in all causes, the Advocates, Attorneys or Agents, of whatever description, whom they may think proper.

#### ARTICLE X.

In whatever relates to the police of the ports, the lading or unlading of ships, the warehousing and safety of merchandize, goods and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation exchange or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the citizens of each contracting party shall enjoy in the territories of the other, the same privileges, liberties and rights as native citizens, and shall not be charged, in any of these respects, with any other or higher imposts or duties than those, which are or may be paid by native citizens, subject always to the local laws and regulations of such territories.

In the event of any citizen of either of the two contracting parties dying without will or testament in the territory of the other contracting party, the Consul General, Consul or Vice Consul of the nation to which the deceased may belong, or, in his absence, the Representative of such Consul General, Consul or Vice Consul, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul General, Consul or Vice Consul, or his Representative.

#### ARTICLE XI.

The citizens of the United-States of America residing in the territories of the Republic of Paraguay and the citizens of the Republic of Paraguay residing in the United States of America shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans or military exactions or requisitions, and they shall not be compelled to pay any charges, requisition or taxes other or higher than those that are, or may be, paid by native citizens.

#### ARTICLE XII.

It shall be free for each of the two contracting parties to appoint Consuls for the protection of trade, to reside in the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the two contracting parties may except from the residence of Consuls, such particular places as either of them may judge fit to be excepted.

The Diplomatic Agents and Consuls of the United States of America in the territories of the Republic of Paraguay, shall enjoy whatever privileges, exemptions and immunities, are or may be there granted to the Diplomatic Agents and Consuls of any other nation whatever; and in like manner, the Diplomatic Agents and Consuls of the Republic of Paraguay in the United States of America shall enjoy whatever privileges exemptions and immunities are, or may be, there granted to agents of any other nation whatever.

#### ARTICLE XIII.

For the better security of commerce between the citizens of the United States of America and the citizens of the Republic of Paraguay, it is agreed that if, at any time, any interruption of friendly intercourse, or any rupture should unfortunately take place between the two contracting parties, the citizens of either of the said contracting parties, who may be established in the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably and commit no offence against the laws; and their goods and effects of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native citizens. If, however, they prefer to leave the country, they shall be allowed the time they may require to liquidate their accounts and dispose of their property, and a safe conduct shall be given them to embark at the ports which they shall themselves select. Consequently, in the case referred to of a rupture, the public funds of the contracting States shall never be confiscated sequestered or detained.

#### ARTICLE XIV.

The citizens of either of the two contracting parties, residing in the territories of the other, shall enjoy, in regard to their houses, persons and properties, the protection of the Government, in as full and ample a manner as native citizens.

In like manner, the citizens of each contracting party shall enjoy in the territories of the other, full liberty of conscience and shall not be molested on account of their religious belief; and such of those citizens as may die in the territories of the other party, shall be buried in the public cemeteries or in places appointed for the purpose, with suitable decorum and respect.

The citizens of the United States of America residing within the territories of the Republic of Paraguay shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of the Consuls or Vice Consuls of the United States of America their religious rights, services and worship, and to assemble therein for that purpose without hindrance or molestation.

#### ARTICLE XV.

The present Treaty shall be in force during ten years counted from the day of the exchange of the ratifications; and further until the



# PERSIA.

1856.

## TREATY OF FRIENDSHIP AND COMMERCE.

*Concluded December 13, 1856; ratification advised by the Senate March 10, 1857; ratified by the President March 12, 1857; ratifications exchanged June 13, 1857; proclaimed August 18, 1857. (Treaties and Conventions, 1889, p. 836.)*

### ARTICLES.

- |                                      |  |
|--------------------------------------|--|
| I. Friendship.                       | VI. Effects of deceased persons.         |
| II. Diplomatic privileges.           | VII. Diplomatic and consular privileges. |
| III. Most favored nation protection. | VIII. Duration; ratification.            |
| IV. Import and export duties.        |  |
| V. Trials of suits and offenses.     |  |

In the name of God the Clement and the Merciful.

The President of the United States of North America, and his Majesty as exalted as the Planet Saturn; the Sovereign to whom the Sun serves as a standard; whose splendor and magnificence are equal to that of the Skies; the Sublime Sovereign, the Monarch whose armies are as numerous as the Stars; whose greatness calls to mind that of Jeinshid; whose magnificence equals that of Darius; the Heir of the Crown and Throne of the Kayanians; the Sublime Emperor of all Persia, being both equally and sincerely desirous of establishing relations of Friendship between the two Governments, which they wish to strengthen by a Treaty of Friendship and Commerce, reciprocally advantageous and useful to the Citizens and subjects of the two High contracting parties, have for this purpose named for their Plenipotentiaries,

The President of the United States of North America, Carroll Spence, Minister Resident of the United States near the Sublime Porte; and His Majesty the Emperor of all Persia, His Excellency Emin ul Molk Farrukh Khan, Ambassador of His Imperial Majesty the Shah, decorated with the portrait of the Shah, with the great cordon blue and bearer of the girdle of Diamonds, &c, &c, &c, &c

And the said Plenipotentiaries having exchanged their full powers, which were found to be in proper and due form, have agreed upon the following articles.

### ARTICLE I

There shall be hereafter a sincere and constant good understanding between the Government and citizens of the United States of North America and the Persian Empire and all Persian subjects.

## ARTICLE II

The Ambassadors or Diplomatic agents, whom it may please either of the two high contracting parties to send and maintain near the other, shall be received and treated, they and all those composing their Missions, as the Ambassadors and Diplomatic agents of the most favored nations are received and treated in the two respective countries; and they shall enjoy there, in all respects, the same prerogatives and immunities.

## ARTICLE III

The citizens and subjects of the two high contracting parties, travellers, merchants, manufacturers and others, who may reside in the Territory of either Country, shall be respected and efficiently protected by the authorities of the Country and their agents, and treated in all respects as the subjects and citizens of the most favored Nation are treated.

They may reciprocally bring by land or by sea into either Country, and export from it all kinds of merchandise and products, and sell, exchange or buy, and transport them to all places in the Territories of either of the high contracting parties. It being however understood that the merchants of either nation, who shall engage in the internal commerce of either country, shall be governed, in respect to such commerce by the laws of the country in which such commerce is carried on; and in case either of the High contracting powers shall hereafter grant other privileges concerning such internal commerce to the citizens or subjects of other Governments the same shall be equally granted to the merchants of either nation engaged in such internal commerce within the territories of the other.

## ARTICLE IV

The merchandise imported or exported by the respective citizens or subjects of the two high contracting parties shall not pay in either country on their arrival or departure, other duties than those which are charged in either of the countries on the merchandise or products imported or exported by the merchants and subjects of the most favored Nation, and no exceptional tax under any name or pretext whatever shall be collected on them in either of the two Countries.

## ARTICLE V.

All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred at the place where a Consul or agent of the United States may reside, and shall be discussed and decided according to Equity, in the presence of an employé of the Consul or agent of the United States.

All suits and disputes which may arise in the Empire of Persia between citizens of the United States, shall be referred entirely for trial and for adjudication to the Consul or agent of the United States residing in the Province wherein such suits and disputes may have arisen, or in the Province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign Powers shall be

tried and adjudicated by the intermediation of their respective Consuls or agents.

In the United States Persian subjects in all disputes arising between themselves, or between them and citizens of the United States or Foreigners shall be judged according to the rules adopted in the United States respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States residing in Persia shall when charged with criminal offences be tried and judged in Persia and the United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the abovementioned countries.

#### ARTICLE VI

In case of a citizen or subject of either of the contracting parties dying within the Territories of the other, his effects shall be delivered up integrally to the family or partners in business of the Deceased, and in case he has no relations or partners, his effects in either Country shall be delivered up to the Consul or agent of the Nation of which the Deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

#### ARTICLE VII

For the protection of their citizens or subjects and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a Diplomatic Agent at either seat of Government, and to name each three Consuls in either Country, those of the United States shall reside at Teheran, Bender Bushir, and Tauris; those of Persia at Washington, New York and New Orleans.

The Consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residences shall be established, the respect, privileges and immunities granted in either country to the Consuls of the most favored Nation.

The Diplomatic Agent or Consuls of the United States shall not protect secretly or publicly the subjects of the Persian Government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those Consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their Nation engaged in commercial pursuits in the same place are subjected.

And it is also understood by the High contracting parties, that the Diplomatic and Consular Agents of the United States shall not employ a greater number of domestics than is allowed by Treaty to those of Russia residing in Persia.

#### ARTICLE VIII

And the high contracting parties agree that the present Treaty of Friendship and Commerce cemented by the sincere good feeling, and confidence which exists between the Governments of the United States and Persia, shall be in force for the term of ten years from the exchange of its ratification, and if before the expiration of the first ten years

neither of the high contracting parties shall have announced, by official notification to the other, its intention to arrest the operation of said Treaty, it shall remain binding for one year beyond that time, and so on until the expiration of twelve months, which will follow a similar notification, whatever the time may be at which it may take place; and the Plenipotentiaries of the two high contracting parties further agree to exchange the ratifications of their respective Governments at Constantinople in the space of six months or earlier if practicable.

In faith of which, the respective Plenipotentiaries of the two high contracting parties have signed the present Treaty and have attached their seals to it.

Done in duplicate in Persian and English, the thirteenth day of December one thousand eight hundred and fifty six, and of the Hijéreh the fifteenth day of the moon of Rebiul Sany one thousand two hundred and seventy three at Constantinople.

CARROLL SPENCE.

EMIN UL MOLK FARRUKH KHAN.

[SEAL.]  
[SEAL.]

# PERU.

1841.

## CLAIMS CONVENTION.

*Concluded March 17, 1841; ratification advised by the Senate January 5, 1843; ratified by the President January 12, 1843; ratification exchanged July 22, 1843; proclaimed February 21, 1844; modification consented to and time for exchange of ratifications extended by the Senate May 29, 1846; ratifications again exchanged October 31, 1846; proclaimed January 8, 1847. (Treaties and Conventions, 1889, p. 850.)*

By this convention Peru agreed to pay to the United States in settlement of claims which had been presented by citizens of the United States the sum of \$300,000. The claims were adjudicated by the Attorney-General, and the final report was made August 7, 1847, allowing claims amounting to \$421,432.41.

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1851.

## TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

*Concluded July 26, 1851; ratification advised by the Senate June 23, 1852; ratified by the President July 16, 1852; ratifications exchanged July 16, 1852; proclaimed July 19, 1852. (Treaties and Conventions, 1889, p. 852.)*

This treaty, consisting of forty articles, was terminated December 9, 1863, upon notice given by Peru.

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1856.

## CONVENTION DECLARING THE PRINCIPLES OF THE RIGHTS OF NEUTRALS AT SEA.

*Concluded July 22, 1856; ratification advised by the Senate March 12, 1857; ratified by the President October 2, 1857; ratifications exchanged October 31, 1857; proclaimed November 2, 1857. (Treaties and Conventions, 1889, p. 864.)*

### ARTICLES.

- |   |                                   |
|---|-----------------------------------|
| I. Principles of neutral property rights. | III. Extension of neutral rights. |
| II. Former treaty provisions annulled.    | IV. Accession of other countries. |
|   | V. Duration; ratification.        |

The United States of America, and the Republic of Peru, in order to render still more intimate their relations of Friendship and good

understanding, and desiring, for the benefit of their respective commerce and that of other nations, to establish an uniform system of maritime legislation, in time of war, in accordance with the present state of civilization, have resolved to declare, by means of a formal Convention, the principles which the two Republics acknowledge, as the basis of the rights of neutrals at sea, and which they recognize and profess as permanent and immutable, considering them as the true and indispensable conditions of all freedom of navigation and maritime commerce and trade.

For this purpose, the President of the United States of America has conferred full powers on John Randolph Clay, their Envoy Extraordinary and Minister Plenipotentiary to the Government of Peru: and the Liberator, President of the Republic of Peru has conferred like full powers on Don José Maria Seguin, Chief officer of the Ministry of Foreign Affairs, in charge of that Department; who, after having exchanged their said full powers, found to be in good and due form, have agreed upon and concluded the following Articles.

#### ARTICLE I<sup>st</sup>

The two High Contracting Parties recognize as permanent and immutable the following principles,

1<sup>st</sup> That free ships make free goods: that is to say, that the effects or merchandise, belonging to a Power or Nation at war, or to its citizens or subjects, are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war,

2<sup>d</sup> That the property of neutrals on board of an enemy's vessel is not subject to detention or confiscation, unless the same be contraband of war: it being also understood that, as far as regards the two Contracting Parties, warlike articles destined for the use of either of them shall not be considered as contraband of war,

The two High Contracting Parties engage to apply these principles to the commerce and navigation of all Powers and States, as shall consent to adopt them as permanent and immutable.

#### ARTICLE II<sup>d</sup>

It is hereby agreed between the two High Contracting Parties, that the provisions contained in Article Twentysecond of the Treaty concluded between them at Lima, on the twentysixth Day of July, One Thousand Eight hundred and fifty one, are hereby annulled and revoked; in so far as they militate against or are contrary to the stipulations contained in this convention. But nothing in the present convention shall, in any manner, affect or invalidate the stipulations contained in the other Articles of the said Treaty of the twenty sixth of July, one thousand, eight hundred and fiftyone, which shall remain in their full force and effect.

#### ARTICLE III<sup>d</sup>

The two High Contracting Parties reserve to themselves to come to an ulterior understanding, as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the first Article. But they



declare, from this time, that they will take the stipulations contained in the said Article, as a rule whenever it shall become a question to judge of the rights of neutrality.

#### ARTICLE IV<sup>th</sup>

It is agreed between the two High Contracting Parties that all Nations which shall consent to accede to the rules of the first Article of this Convention, by a formal declaration, stipulating to observe them, shall enjoy the rights resulting from such accession, as they shall be enjoyed and observed by the two Parties signing this Convention. They shall communicate to each other the result of the steps which may be taken on the subject.

#### ARTICLE V.

The present Convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by the President of the Republic of Peru, with the authorization of the Legislative Body of Peru, and the ratifications shall be exchanged, at Washington, within eighteen months from the date of the signature hereof, or sooner if possible,

In faith whereof the Plenipotentiaries of the United States of America and the Republic of Peru, have signed and sealed these Presents.

Done at the City of Lima on the twenty second day of July, in the year of Our Lord, One thousand eight hundred and fifty six.

J. RANDOLPH CLAY  
[SEAL.]

J. M. SEGUIN  
[SEAL.]

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#### 1857.

##### CONVENTION INTERPRETING ARTICLE XII, TREATY OF 1851. (Whaling ships.)

*Concluded July 4, 1857; ratification advised by the Senate April 30, 1858; ratified by the President May 7, 1858; ratifications exchanged October 13, 1858; proclaimed October 14, 1858. (Treaties and Conventions, 1889, p. 866.)*

By this convention amendment was made to Article XII of the Treaty of 1851 in respect to the supplies to whaling ships. The convention terminated December 9, 1863, with the Treaty of 1851.

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#### 1862.

##### CLAIMS CONVENTION.

*Concluded December 20, 1862; ratification advised by the Senate February 18, 1863; ratified by the President February 24, 1863; ratifications exchanged April 21, 1863; proclaimed May 19, 1863. (Treaties and Conventions, 1889, p. 868.)*

The claims presented against Peru by the United States for the alleged illegal capture of the vessels *Lizzie Thompson* and *Georgianna* were by this convention referred to the arbitration of the King of Belgium, who declined to act, and the cases were dropped.

1863.

## CLAIMS CONVENTION.

*Concluded January 12, 1863; ratification advised by the Senate with amendment February 18, 1863; ratified by the President February 24, 1863; ratifications exchanged April 18, 1863; proclaimed May 19, 1863. (Treaties and Conventions, 1889, p. 870.)*

By this convention of ten articles a commission of five was authorized, which met at Lima, July 17, 1863, and completed their duties November 27, 1863. The awards against the United States were \$25,300, and against Peru, \$57,196.23.

1868.

## CLAIMS CONVENTION.

*Concluded December 4, 1868; ratification advised by the Senate April 15, 1869; ratified by the President May 3, 1869; ratifications exchanged June 4, 1869; proclaimed July 6, 1869. (Treaties and Conventions, 1889, p. 872.)*

This convention provided for the adjudication of mutual claims by two commissioners who each selected an umpire. The commission met at Lima September 4, 1869, and adjourned February 26, 1870. The awards against the United States were \$57,040 and against Peru \$194,417.62.

1870.

## TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

*Concluded September 6, 1870; ratification advised by the Senate March 31, 1871; ratified by the President April 11, 1871; time for exchange of ratifications extended June 5, 1873; ratifications exchanged May 28, 1874; proclaimed July 27, 1874. (Treaties and Conventions, 1889, p. 876.)*

This treaty of thirty-eight articles terminated on notice given by Peru March 31, 1886. See Treaty of 1887, p. 497.

1870.

## EXTRADITION TREATY.

*Concluded September 12, 1870; ratification advised by the Senate March 31, 1871; ratified by the President April 11, 1871; time for exchange of ratifications extended June 5, 1873; ratifications exchanged May 28, 1874; proclaimed July 27, 1874. (Treaties and Conventions, 1889, p. 888.)*

This treaty of ten articles terminated March 31, 1886, on notice given by Peru.

1887.

## TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

*Concluded August 31, 1887; ratification advised by the Senate with amendment May 10, 1888; ratified by the President June 6, 1888; ratifications exchanged October 1, 1888; proclaimed November 7, 1888. (Treaties and Conventions, 1889, p. 1191.)*

(By notification from the Peruvian Government this treaty will terminate November 1, 1899.)

## ARTICLES.

- |  |  |
|--|--|
| I. Friendship.                                       | XIX. Free goods; blockades.                                |
| II. Freedom of commerce, trade, etc.                 | XX. Detention of contraband goods, etc.                    |
| III. No discriminating shipping charges.             | XXI. Notice, etc., of blockades.                           |
| IV. No discriminations against vessels.              | XXII. Visit of neutral ships.                              |
| V. Import duties.                                    | XXIII. Sea letters, etc., in case of war.                  |
| VI. Export charges.                                  | XXIV. Ships under convoy.                                  |
| VII. Coasting trade.                                 | XXV. Prize courts, etc.                                    |
| VIII. Special privileges to steamship lines in Peru. | XXVI. Letters of marque.                                   |
| IX. Nationality of vessels.                          | XXVII. Rights in case of war.                              |
| X. Trade privileges.                                 | XXVIII. Exemption from confiscation, etc.                  |
| XI. Property rights.                                 | XXIX. Diplomatic privileges.                               |
| XII. Shipwrecks; salvage.                            | XXX. Consular officers.                                    |
| XIII. Asylum to ships in distress.                   | XXXI. Consular privileges.                                 |
| XIV. Captures by pirates.                            | XXXII. Deserters from ships.                               |
| XV. Protection of personal and property rights.      | XXXIII. Estates of deceased citizens.                      |
| XVI. Religious liberty.                              | XXXIV. Claims against the Governments.                     |
| XVII. Rights of neutrals.                            | XXXV. Duration; infringements; restrictions; ratification. |
| XVIII. Contraband articles.                          |  |

The United States of America and the Republic of Peru, being mutually animated with the desire, to render permanent the friendly relations which happily have always subsisted between them, and to place their international intercourse upon the most liberal basis, have resolved to fix clear rules for their future guidance, through the formation of a treaty of friendship, commerce, and navigation. To attain this purpose, the President of the United States of America has conferred full powers on Charles W. Buck, Envoy Extraordinary and Minister Plenipotentiary of said Government, to the Government of Peru, and the President of Peru has conferred like full powers upon Señor Don Carlos M. Elias, Minister of Foreign Relations—who, after comparing their respective powers, found to be in proper form, have agreed upon the following articles:

## ARTICLE I.

There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Peru, and between their respective territories, people, and citizens, without distinction of persons or places.

## ARTICLE II.

The United States of America and the Republic of Peru mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of

either Republic may frequent with their vessels all the coasts, ports, and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territory of either, and occupy the dwellings and warehouses which they may require, subject to the existing laws; and everything pertaining thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce not prohibited to all, and to open retail and wholesale stores and shops under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing; they shall not be called upon for any forced loan or extraordinary contribution for any military expedition, or for any public purpose whatever, nor shall they be liable to any embargo, or be detained with their vessels, cargoes, merchandise, goods, or effects, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

#### ARTICLE II'

No higher or other duties, or charges on account of tonnage, light-houses or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Peru, on vessels of the United States, than those payable in the same ports by Peruvian vessels, nor in any of the ports of the United States on Peruvian vessels, than shall be payable in the same ports by vessels of the United States.

#### ARTICLE IV.

All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels may also be so imported in vessels of the other party without paying other or higher duties or charges, of any kind or denomination whatever, than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges. It is expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels, and their cargoes, belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain, or from the ports of any other nation.

#### ARTICLE V.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article, the produce, growth, or

manufacture of the other party, than are, or shall be, payable on the like article, being the produce, growth, or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article, the produce, growth, or manufacture of either party, into the ports or territories of the other, which shall not equally extend to all other nations.

#### ARTICLE VI.

All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels, may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties, and allowances, whether the same merchandise and articles of commerce be exported in vessels of the one party or in vessels of the other party.

#### ARTICLE VII.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another, situated in the territories of either contracting party, the regulation of such navigation and trade being reserved respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage-dues or port-charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outward.

#### ARTICLE VIII.

The Republic of Peru, desiring to increase the intercourse along its coasts by means of steam-navigation, hereby engages to accord to any citizen or citizens of the United States, who may establish a line of steam-vessels to navigate regularly between the different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and work-shops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever. It is further more understood between the two high contracting parties that the vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company as provided by law current at the time of application.

#### ARTICLE IX.

For the better understanding of the preceding articles, it is stipulated and agreed that every vessel belonging exclusively to a citizen or citizen's of either country, and flying the flag of said country, shall be considered as a vessel of that country.

## ARTICLE X.

The merchants, commanders, or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom they may choose to appoint as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading, and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise or articles of commerce imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

## ARTICLE XI.

The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal and real estate and effects of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their heirs or representatives, being citizens of the other party, shall succeed to the said personal and real estate and effects, whether by testament or ab intestato, and may take possession of the same themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the citizens of the country, wherein said estate and effects may be, shall be subject to pay in like cases.

## ARTICLE XII.

If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict on or near the coasts within the territories of the other, all assistance and protection shall be given to such vessel and her crew; and the vessel, or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the owners or their agents, they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in like case by national vessels; and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, impost or contribution whatever provided the same be exported.

## ARTICLE XIII.

When through stress of weather, want of water or provisions, pursuit of enemies or pirates, the vessels of one of the high contracting parties, whether of war, (public or private,) or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays, and dominions of the other, they shall be received and treated with humanity; sufficient time shall be allowed for the completion of



repairs, and while any vessel may be undergoing them, its cargo shall not unnecessarily be required to be landed either in whole or in part; all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hinderance.

#### ARTICLE XIV

All vessels, merchandise, and effects belonging to the citizens of either of the high contracting parties, which may be captured by pirates either on the high seas or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners or their agents, they proving, in due and proper form, their rights before the competent tribunals, it being understood that the claim thereto shall be made within two years by the owners themselves, their agents, or the agents of the respective Governments.

#### ARTICLE XV.

The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction; they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; and they shall be at liberty to employ, in all causes, the advocates, attorneys, notaries, or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases *flagrantis delicti*; and they shall in all cases be brought before a magistrate or other legal authority for examination within twenty-four hours after arrest; and if not so examined, the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated, during their imprisonment, with humanity, and no unnecessary severity shall be exercised toward them.

#### ARTICLE XVI.

It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

#### ARTICLE XVII.

The citizens of the United-States of America and the Republic of Peru may sail with their vessels, with entire freedom and security, from any port to the ports or places of those who now are, or hereafter shall be, the enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels.

The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise, from the ports and places of the enemies of both parties, or of one of them, without any hindrance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or of several. And it is agreed that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading, or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty shall be extended to persons who may be on board free ships, so that said persons cannot be taken out of them, even if they may be enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. It is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not that of others.

#### ARTICLE XVIII.

The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise, except the articles called contraband of war, under which name shall be comprehended:

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, dynamite and all explosives which are recognized as of use for purposes of war, matches, balls, torpedoes, and everything belonging to the use of these arms.

- 2 Bucklers, helmets, breastplates, coats of mail, accoutrements, and clothes made up in military form and for military use.

- 3 Cavalry belts and horses, with their harness.

- 4 And, generally, all offensive and defensive arms made of iron, steel, brass, copper, or any other material, prepared and formed to make war by land or at sea.

#### ARTICLE XIX.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

#### ARTICLE XX.

The articles of contraband, or those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall

be subject to detention and confiscation, but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

#### ARTICLE XXI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by a commanding officer of a vessel forming part of the blockading forces, she again attempts to enter; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from leaving it with her cargo, nor, if found therein before or after the reduction or surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution, but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place shall take on board a cargo after the blockade be established and attempt to depart, she may be warned by the blockading forces to return to the blockaded port and discharge the said cargo; and if, after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

#### ARTICLE XXII.

To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit.

And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

#### ARTICLE XXIII.

Both contracting parties likewise agree that when one of them shall be engaged in war, the vessels of the other must be furnished with sea-letters, patents, or passports, in which shall be expressed the name, burden of the vessel, and the name and place of residence of the owner thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that such vessel, being laden, besides the said sea-letters, patents, or passports, shall be provided with manifests or certificates containing the particulars of the cargo, and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles; which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed; without which requisites the vessel may be detained, to be adjudged by the competent tribunals and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

#### ARTICLE XXIV.

The preceding stipulations relative to the visit and examination of vessels shall apply only to those which sail without convoy; for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

#### ARTICLE XXV.

It is further agreed, that in all prize-cases, the courts especially established for such causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise, or property claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise, or property, without any excuse or delay, upon payment of the established legal fees for the same.

#### ARTICLE XXVI.

Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall ~~accept~~ a commission or letter of marque for the purpose of assisting or cooperating hostilely with the said enemy against the said party so ~~at war~~, under pain of being treated as a pirate.

## ARTICLE XXVII.

If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed, now for then, that the merchants, traders, and other citizens of all occupations of either of the two parties residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property so long as they conduct themselves peaceably and properly, and commit no offence against the laws. And in case their acts should render them justly suspected, and having thus forfeited this privilege the respective Governments should order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them in which to arrange and settle their affairs, and remove with their families, effects, and property; to which end the necessary safe-conduct shall be given to them, which shall serve as a sufficient protection, until they arrive at the designated port and there embark; but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood that the respective Governments may order the persons so suspected to remove forthwith to such places in the interior as may be designated.

## ARTICLE XXVIII.

In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds, or in the public or private banks, or any other property whatever, belonging to the citizens of the one party in the territories of the other, shall in no case, for that cause alone, be sequestrated or confiscated.

## ARTICLE XXIX.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their envoys, ministers, *chargés d'affaires*, and other diplomatic agents, the same favors, privileges, immunities, and exemptions that those of the most favored nation do or shall enjoy, it being understood that the favors, privileges, immunities, and exemptions granted by the one party to the envoys, ministers, *chargés d'affaires*, or other diplomatic agents of the other party, or to those of any other nation, shall be reciprocally granted and extended to those of both the high contracting parties respectively.

## ARTICLE XXX.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, privileges, and immunities of the consuls and vice-consuls of the most favored nation; but to enjoy the rights, prerogatives, and immunities which belong to them in virtue of their public character, the consuls and vice-



consuls shall, before exercising their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form, in order to receive their exequatur; after receiving which they shall be acknowledged in their official characters by the authorities, magistrates, and inhabitants of the districts in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of consuls and vice-consuls may not seem to be convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

#### ARTICLE XXXI.

The consuls, vice-consuls, their officers and persons employed in their consulates, shall be exempt from all public service, and from all kinds of taxes, imposts, and contributions, except those which they shall be lawfully held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects, subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected; and no person, magistrate, or other public authority shall, under any pretext, interfere with or seize them.

#### ARTICLE XXXII.

The consuls and vice-consuls shall have power to require the assistance of the public authorities of the country in which they reside for the arrest, detention, and custody of deserters from the vessels of war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant-vessel, the consuls or vice-consuls must address themselves to the competent authority, and demand the deserters in writing, proving by the ship's roll or other public document that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and when the demand of the consuls or vice-consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the consuls or vice consuls, or, at the request of these, shall be put in the public prisons, and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority or other person within their respective dominions to harbor or protect such deserters.

#### ARTICLE XXXIII.

Until the conclusion of a consular convention, which the high contracting parties agree to form as soon as may be mutually convenient, it is stipulated, that in the absence of the legal heirs or representatives the consuls or vice-consuls of either party shall be ex-officio the executors or administrators of the citizens of their nation who may



die within their consular jurisdictions, and of their countrymen dying at sea whose property may be brought within their district. The said consuls or vice-consuls shall call in a justice of the peace or some other judicial authority to assist in taking an inventory of the effects and property left by the deceased, after which the said effects shall remain in the hands of the said consuls or vice consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective Governments. And where the deceased has been engaged in commerce or other business, the consuls or vice-consuls shall hold the effects and property so remaining until the expiration of twelve calendar months, during which time the creditors, if any, of the deceased, shall have the right to present their claims and demands against the said effects and property; and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased, the consuls or vice-consuls, at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property in accordance with the instructions from their own Governments.

#### ARTICLE XXXIV.

As a consequence of the principles of equality herein established, in virtue of which the citizens of each one of the high contracting parties enjoy in the territory of the other the same rights as natives, and receive from the respective Governments the same protection in their persons and property, it is declared that only in case that such protection should be denied, on account of the fact that the claims preferred have not been promptly attended to by the legal authorities, or that manifest injustice has been done by such authorities, and after all the legal means have been exhausted, then alone shall diplomatic intervention take place.

#### ARTICLE XXXV.

The United States of America and the Republic of Peru, desiring to make as durable as possible the relations established between the two parties in virtue of this treaty of friendship, commerce, and navigation, declare solemnly and agree as follows:

1<sup>st</sup> The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof, and further until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time after expiration of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and terminate.

2<sup>nd</sup> If any citizen or citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible therefor, and the harmony and good understanding between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender or offenders, or to

sanction such violation, under pain of rendering itself liable for the consequences thereof.

3<sup>d</sup> Should, unfortunately, any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any act of reprisals, nor declare nor make war against the other on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and, demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4<sup>th</sup> Nothing contained in this treaty shall, however be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

The present treaty of friendship, commerce, and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Peru, with the approbation of the Congress thereof, and the ratifications shall be exchanged at Washington or Lima as soon thereafter as possible.

In evidence whereof we, the Plenipotentiaries of the United States of America and of the Republic of Peru, have signed and sealed these presents: at the city of Lima, in duplicate English and Spanish, this the Thirty-first day of August in the year of our Lord one thousand eight hundred and eighty-seven.

CHA<sup>s</sup> W. BUCK  
[SEAL]  
CÁRLOS M. ELÍAS  
[SEAL]

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## PERU-BOLIVIA.

1836.

### CONVENTION OF PEACE, FRIENDSHIP, COMMERCE, AND NAVIGATION.

*Concluded November 30, 1836; ratification advised by the Senate October 10, 1837; ratified by the President October 14, 1837; ratifications exchanged May 28, 1838; proclaimed October 3, 1838. (Treaties and Conventions, 1889, p. 840.)*

This convention terminated by the dissolution of the Peru-Bolivia Confederation in 1839.

# PORTUGAL.

1840.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded August 26, 1840; ratification advised by the Senate February 3, 1841; ratified by the President April 23, 1841; ratifications exchanged April 23, 1841; proclaimed April 24, 1841. (Treaties and Conventions, 1889, p. 891.)*

This general treaty of fourteen articles was terminated by notice of the Portuguese Government January 31, 1892.

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Federal case: *Oldfield v. Marriott*, 10 How., 146.

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1851.

## CLAIMS CONVENTION.

*Concluded February 26, 1851; ratification advised by the Senate March 7, 1851; ratified by the President March 10, 1851; ratifications exchanged June 23, 1851; proclaimed September 1, 1851. (Treaties and Conventions, 1889, p. 896.)*

By this convention Portugal agreed to pay the United States \$91,727 in full for all claims of American citizens against Portugal, except the claim of the brig *General Armstrong*, which was referred to an arbitrator. Louis Napoleon, President of France, was appointed arbitrator of the *General Armstrong* claim, and November 30, 1852, decided that no indemnity was due from Portugal to the United States on account of the claim.

# PRUSSIA.

(SEE ALSO GERMAN EMPIRE AND NORTH GERMAN UNION.)

1785.

## TREATY OF AMITY AND COMMERCE.

*Concluded September 10, 1785; ratified by the Congress of the United States May 17, 1786; ratifications exchanged October, 1786. (Treaties and Conventions, 1889, p. 899.)*

This treaty of twenty-seven articles expired by its own limitations October, 1796, but Article XII was revived by Article XII of the Treaty of 1828, page 518.

### ARTICLE XII.—NEUTRALITY OF VESSELS.

Article 12. If one of the contracting parties, should be engaged in war with any other power, the free intercourse & commerce of the Subjects or Citizens of the party remaining neuter with the belligerent powers shall not be interrupted. On the contrary in that case as in full peace, the Vessel of the neutral party may navigate freely to & from the ports and on the coasts of the belligerent parties, free Vessels making free goods insomuch that all things shall be adjudged free which shall be on board any Vessel belonging to the neutral party, although such things belong to an enemy of the other: and the same freedom shall be extended to persons who shall be on board a free Vessel, although they should be enemies to the other party unless they be soldiers in actual service of such enemy.

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1799.

## TREATY OF AMITY AND COMMERCE.

*Concluded July 11, 1799; ratification advised by the Senate February 18, 1800; ratified by the President February 19, 1800; ratifications exchanged June 22, 1800; proclaimed November 4, 1800. (Treaties and Conventions, 1889, p. 907.)*

This treaty expired by its own limitations June 22, 1810; but the provisions of the articles printed hereunder were revived by Article XII of the Treaty of May 1, 1828, p. 518.

### ARTICLES.

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|---------------------------------------|--|
| XIII. Detention of contraband goods.  | XX. Letters of marque.                                 |
| XIV. Ship's papers in time of war.    | XXI. Rules in case of war with common enemy.           |
| XV. Visit to neutral ships.           | XXII. Mutual protection of ships against common enemy. |
| XVI. Embargoes, seizures, etc.        | XXIII. Protection in case of war.                      |
| XVII. Restoration of neutral ships.   | XXIV. Treatment of prisoners of war.                   |
| XVIII. Asylum to vessels in distress. |  |
| XIX. Prizes.                          |  |

### ARTICLE XIII.

And in the same case of one of the Contracting Parties being engaged in War with any other Power, to prevent all the difficulties and mis-

understandings, that usually arise respecting merchandize of contraband, such as arms, ammunition, and military stores of every kind, no such articles, carried in the vessels, or by the subjects or citizens of either Party, to the enemies of the other, shall be deemed contraband so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors, and it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

All cannons, mortars, fire-arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, salt-petre, sulphur, cuirasses, pikes, swords, belts, cartouch-boxes, saddles and bridles, beyond the quantity, necessary for the use of the ship, or beyond that which every man serving on board the vessel or passenger ought to have, and in general whatever is comprised under the denomination of arms and military stores, of what description so ever, shall be deemed objects of contraband.

#### ARTICLE XIV.

To ensure to the vessels of the two Contracting Parties the advantage of being readily and certainly known in time of War, it is agreed that they shall be provided with the Sea-letters and Documents hereafter specified.

1°, A Passport; expressing the name, the property, and the burthen of the vessel, as also the name and dwelling of the master, which Passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the vessel be under convoy of one or more vessels of War, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

2°, A Charter-party; that is to say, the contract passed for the freight of the whole vessel; or the bills of lading given for the cargo in detail.

3°, The list of the ship's company, containing an indication by name and in detail of the persons composing the crew of the vessel.

These documents shall always be authenticated according to the forms established at the place from which the vessel shall have sailed.

As their production ought to be exacted only when one of the contracting Parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo and company, they shall not be deemed absolutely necessary on board, such vessels belonging to the neutral party, as shall have sailed from its ports before, or within three months after the Government shall have been informed of the State of War, in which the

belligerent party shall be engaged. In the interval, in default of these specific documents, the neutrality of the vessel may be established by such other evidence as the tribunals authorised to judge of the case may deem sufficient.

#### ARTICLE XV.

And to prevent entirely all disorder and violence in such cases, it is stipulated that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of War, public or private, of the other party, such vessel of war shall not send more than two or three men in their boat on board the said neutral vessel, to examine her Passports and documents. And all persons belonging to any vessel of War, public or private, who shall molest or insult in any manner whatever the people, vessels or effects of the other party shall be responsible in their persons and property for damages and interest; sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

#### ARTICLE XVI.

In times of War, or in cases of urgent necessity when either of the Contracting Parties, shall be obliged to lay a general embargo, either in all its ports, or in certain particular places, the vessels of the other party, shall be subject to this measure upon the same footing as those of the most favoured Nations, but without having the right to claim the exemption in their favour stipulated in the sixteenth Article of the former Treaty of 1785. But on the other hand the proprietors of the vessel, which shall have been detained whether for some military expedition, or for what other use soever, shall obtain from the Government that shall have employed them an equitable indemnity as well as for the freight, as for the loss occasioned by the delay. And furthermore in all cases of seizure, detention or arrest, for debts contracted, or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

#### ARTICLE XVII.

If any vessel or effects of the neutral power, be taken by an enemy of the other, or by a pirate, and retaken by the Power at War, they shall be restored to the first proprietor upon the conditions hereafter stipulated, in the twenty-first article for cases of recapture.

#### ARTICLE XVIII.

If the citizens or subjects of either party in danger from tempests, pirates, enemies or other accident, shall take refuge with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected and treated with humanity and kindness, and shall be permitted to furnish themselves at reasonable prices, with all refreshments, provisions and other things necessary for their sustenance, health and accomodation, and for the repair of their vessels.



## ARTICLE XIX.

The vessels of War, public and private, of both parties shall carry freely wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others: nor shall such prizes be arrested, searched or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to shew. [But, conformably to the Treaties existing between the United States and Great Britain, no vessel that shall have made a prize upon british subjects, shall have a right to shelter in the ports of the United States, but if forced therein by tempests, or any other danger or accident of the sea, they shall be obliged to depart as soon as possible.]<sup>1</sup>

## ARTICLE XX.

No citizen or subject of either of the Contracting Parties shall take from any power with which the other may be at War, any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of its naval or military force, to the enemy of the other, to aid them offensively or defensively against the other.

## ARTICLE XXI.

If the two Contracting Parties should be engaged in a War against a common enemy, the following points shall be observed between them.

1°, If a vessel of one of the parties taken by the enemy, shall before being carried into a neutral or enemy's port, be retaken by a ship of War, or privateer of the other, it shall, with the cargo be restored to the first owners, for a compensation of one-eighth part of the value of the said vessel and cargo, if the recapture be made by a public ship of War, and one sixth part, if made by a privateer.

2°, The restitution in such cases shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

3°, The vessels of War, public and private of the two parties shall reciprocally be admitted with their prizes into the respective ports of each, but the said prizes shall not be discharged or sold there, until their legality shall have been decided according to the laws and regulations of the state to which the captor belongs, but by the judicatories of the place into which the prize shall have been conducted.

4°, It shall be free to each Party, to make such regulations as they shall judge necessary for the conduct of their respective vessels of War, public and private, relative to the vessels which they shall take and carry into the ports of the two Parties.

## ARTICLE XXII.

When the Contracting Parties shall have a common enemy, or shall both be neutral, the vessels of War, of each shall upon all occasions

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<sup>1</sup>Omitted by Treaty of 1828, p. 518.

take under their protection the vessels of the other going the same course, and shall defend such vessels, as long as they hold the same course against all force and violence in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

#### ARTICLE XXIII.

If War should arise between the two Contracting Parties, the merchants of either country then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance; And all women and children, scholars of every faculty, cultivators of the Earth, artisans, manufacturers and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others, whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of War, they may happen to fall; but if anything is necessary to be taken from them, for the use of such armed force, the same shall be paid for, at a reasonable price

#### ARTICLE XXIV.

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two Contracting Parties solemnly pledge themselves to the world and to each other, that they will not adopt, any such practice; that neither will send the prisoners whom they may take from the other into the East-Indies, or any other parts of Asia or Africa, but that they shall be placed in some parts of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided by the Party in whose power they are, for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them either in kind, or by commutation to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they shall allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against any others, nor the balances due on them be withheld as a satisfaction or reprizal for any other article, or for any other cause real or pretended, whatever. That each Party shall be allowed to keep a Commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases; shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to

make his reports in open letters to those who employ him: but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment after they shall have been designated to him, such individual officer or other prisoner, shall forfeit so much of the benefit of this Article, as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that War dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding Article; but on the contrary that the state of War, is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the Law of nature and nations.

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1828.

TREATY OF COMMERCE AND NAVIGATION.

*Concluded May 1, 1828; ratification advised by the Senate May 14, 1828; ratified by the President; ratification again advised and time for exchange of ratification extended by the Senate March 9, 1829; ratifications exchanged March 14, 1829; proclaimed March 14, 1829. (Treaties and Conventions, 1889, p. 916.)*

ARTICLES.

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|--|--|
| I. Freedom of commerce and navigation.                         | VIII. No preference to importing vessel.       |
| II. No discrimination of shipping charges.                     | IX. Most favored nation commercial privileges. |
| III. No discrimination in import duties on account of vessels. | X. Consular privileges and jurisdiction.       |
| IV. Application of two preceding sections.                     | XI. Deserters from ships.                      |
| V. No discrimination of import duties.                         | XII. Articles of former treaties revived.      |
| VI. No discrimination of export duties.                        | XIII. Blockades.                               |
| VII. Coastwise trade.  | XIV. Estates of deceased persons.              |
|  | XV. Duration.                                  |
|  | XVI. Ratification.                             |

The United States of America, and His Majesty the King of Prussia, equally animated with the desire of maintaining the relations of good understanding, which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished, than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both Countries, and applicable in time of peace, as well as in time of war, have, in consequence, agreed to enter into negotiations for the conclusion of a Treaty of Navigation and Commerce, for which purpose the President of the United States has conferred Full Powers on Henry Clay, their Secretary of State; and His Majesty the King of Prussia has conferred like Powers on the Sieur Ludwig Niederstetter, Chargé d'Affaires of His said Majesty near the United States; and the said Plenipotentiaries

having exchanged their said Full Powers, found in good and due form, have concluded and signed the following Articles:

#### ARTICLE I.

There shall be between the Territories of the High Contracting Parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall, mutually, have liberty to enter the ports, places, and rivers of the territories of each Party, wherever foreign commerce is permitted. They shall be at liberty, to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

#### ARTICLE II.

Prussian vessels arriving either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving either laden, or in ballast, in the ports of the Kingdom of Prussia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, salvage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied in the name, or to the profit, of the Government, the local authorities, or of any private establishment whatsoever.

#### ARTICLE III.

All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the Kingdom of Prussia, in Prussian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Prussian vessels.

And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the Kingdom of Prussia, or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also, be so imported in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

#### ARTICLE IV.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding Articles, are, to their full extent, applicable to Prussian vessels, and their cargoes, arriving in the ports of the United States of America; and,

reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the Kingdom of Prussia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

#### ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Prussia; and no higher or other duties shall be imposed on the importation into the Kingdom of Prussia, of any article the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of Prussia, to, or from, the ports of the United States; or to, or from the ports of Prussia, which shall not equally extend to all other nations.

#### ARTICLE VI.

All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported from the ports of the said United States, in national vessels, may, also, be exported therefrom in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the Kingdom of Prussia, so that all kind of merchandise and articles of commerce, either the produce of the soil or the industry of the said Kingdom, or of any other country, which may be lawfully exported from Prussian ports in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in Prussian vessels.

#### ARTICLE VII.

The preceding Articles are not applicable to the coastwise navigation of the two Countries, which is, respectively, reserved, by each of the high contracting parties, exclusively, to Itself.

#### ARTICLE VIII.

No priority or preference shall be given, directly or indirectly, by either of the Contracting Parties, nor by any company, corporation, or agent, acting on their behalf, or under their authority, in the purchase of any article of commerce, lawfully imported, on account of, or in reference to, the character of the vessel, whether it be of the one Party or of the Other, in which such article was imported: it being the true intent and meaning of the Contracting Parties, that no distinction or difference whatever, shall be made in this respect.



## ARTICLE IX.

If either Party shall, hereafter, grant to any other nation, any particular favor in navigation or commerce, it shall, immediately, become common to the other Party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

## ARTICLE X.

The two Contracting Parties have granted to each other the liberty of having, each in the ports of the other, Consuls, Vice Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations. But if any such consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

The Consuls, Vice consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order or tranquillity of the country; or the said Consuls, Vice consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

## ARTICLE XI.

The said Consuls, Vice Consuls, and Commercial Agents, are authorised to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents that such individuals formed part of the crews; and, on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice Consuls, or commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within three months, from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

## ARTICLE XII.

The Twelfth Article of the Treaty of Amity and Commerce, concluded between the Parties in 1785,<sup>1</sup> and the Articles from the Thirteenth to the Twenty-fourth, inclusive, of that which was concluded at Berlin in 1799,<sup>2</sup> with the exception of the last paragraph in the

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<sup>1</sup> See p. 510.

<sup>2</sup> See p. 510.



Nineteenth Article, relating to Treaties with Great Britain, are, hereby, revived with the same force and virtue, as if they made part of the context of the present Treaty; it being, however, understood that the stipulations contained in the articles thus revived, shall be always considered as, in no manner, affecting the Treaties or Conventions concluded by either Party with other Powers, during the interval between the expiration of the said Treaty of 1799, and commencement of the operation of the present Treaty.

- The Parties being still desirous, in conformity with their intention declared in the Twelfth Article of the said Treaty of 1799, to establish between themselves, or in concert with other maritime Powers, further provisions, to ensure just protection and freedom to neutral navigation and commerce, and which may, at the same time, advance the cause of civilization and humanity, engage again to treat on this subject, at some future and convenient period.

### ARTICLE XIII.

Considering the remoteness of the respective countries of the two High Contracting Parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed, at the time of its departure to be blockaded, shall not, however, be captured or condemned, for having attempted, a first time, to enter said port, unless it can be proved that said vessel could, and ought to, have learnt, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

### ARTICLE XIV.

The Citizens or subjects of each Party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other Party, shall succeed to their said personal goods, whether by testament, or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native, in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants, to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of the one Party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same and to withdraw the proceeds without molestation, and exempt from all duties of *detractio*n, on the part of the Government of the respective States. But this Article shall not derogate, in any manner, from the force of the laws already published, or hereafter to be published by His Majesty the King of Prussia to prevent the emigration of his subjects.

## ARTICLE XV.

The present Treaty shall continue in force for twelve years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period, neither of the High Contracting Parties shall have announced, by an official notification to the other its intention to arrest the operation of said Treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

## ARTICLE XVI.

This Treaty shall be approved and ratified by the President of the United States of America, by, and with, the advice and consent of the Senate thereof, and by His Majesty the King of Prussia, and the ratifications shall be exchanged in the city of Washington, within nine months from the date of the signature hereof, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed the above Articles, both in the french and english languages; and they have thereto affixed their seals: declaring, nevertheless, that the signing in both languages shall not be brought into precedent, nor in any way operate to the prejudice of either Party.

Done in triplicate at the city of Washington, on the First day of May, in the year of Our Lord One thousand eight hundred and twenty eight; and the Fifty-second of the Independence of the United States of America.

[SEAL.]  
[SEAL.]

II. CLAY  
LUDWIG NEIDERSTETTER

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1852.

## EXTRADITION CONVENTION.

*Concluded June 16, 1852; ratification advised by the Senate March 15, 1853; ratified by the President May 27, 1853; ratifications exchanged May 30, 1853; proclaimed June 1, 1853. (Treaties and Conventions, 1889, p. 921.)*

(This treaty was concluded by the King of Prussia for the Kingdom of Prussia and other States of the Germanic Confederation therein named. It was acceded to by the following German States: Bremen, Mecklenburg-Schwerin, Mecklenburg-Strelitz, Oldenburg, Schaumburg-Lippe, and Württemberg.)

## ARTICLES.

- |                                       |                          |
|---------------------------------------|--------------------------|
| I. Extraditable crimes; procedure.    | IV. Persons under trial. |
| II. Accession of other German States. | V. Duration.             |
| III. Nondelivery of citizens.         | VI. Ratification.        |

Whereas, it is found expedient for the better administration of justice and the prevention of crime, within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous

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In re Henrich, 5 Blatch., 414; In re Stupp, 11 Blatch., 124; In re Wiegand, 14 Blatch., 370; In re Behrendt, 22 Fed. Rep., 699; In re Risch, 36 Fed. Rep., 546; In re Krojanker, 44 Fed. Rep., 482.

crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas the laws and Constitution of Prussia and of the other German States, parties to this Convention, forbid them to surrender their own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the Convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore, on the one part, the United States of America, and on the other part, His Majesty the King of Prussia, in His own name as well as in the name of His Majesty the King of Saxony, His Royal Highness the Elector of Hesse, His Royal Highness the Grand Duke of Hesse and on Rhine, His Royal Highness the Grand Duke of Saxe-Weimar-Eisenach, His Highness the Duke of Saxe-Meiningen, His Highness the Duke of Saxe Altenburg, His Highness the Duke of Saxe-Coburg-Gotha, His Highness the Duke of Brunswick, His Highness the Duke of Anhalt-Dessau, His Highness the Duke of Anhalt-Bernburg, His Highness the Duke of Nassau, His Serene Highness, the Prince Schwarzburg-Rudolstadt, His Serene Highness the Prince of Schwarzburg Sondershausen, Her Serene Highness the Princess and Regent of Waldeck, His Serene Highness the Prince of Reuss, elder branch, His Serene Highness the Prince of Reuss, junior branch, His Serene Highness the Prince of Lippe, His Serene Highness the Landgrave of Hesse Homburg as well as the free city of Francfort having resolved to treat on this subject, have for that purpose appointed their respective plenipotentiaries to negotiate and conclude a convention; that is to say:

The President of the United States of America, Daniel Webster, Secretary of State, and His Majesty the King of Prussia in His own name as well as in the name of the other German Sovereigns above enumerated, and the free city of Francfort, Frederic Charles Joseph von Gerolt, His said Majesty's Minister Resident near the Government of the United States, who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

#### ARTICLE I.

It is agreed that the United States and Prussia, and the other States of the Germanic Confederation included in, or which may hereafter accede to this Convention, shall, upon mutual requisitions by them or their ministers, officers or authorities, respectively made, deliver up to justice all persons, who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered;

and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

#### ARTICLE II.

The stipulations of this Convention shall be applied to any other State of the Germanic Confederation, which may hereafter declare its accession thereto.

#### ARTICLE III.

None of the contracting parties shall be bound to deliver up its own citizens or subjects, under the stipulations of this Convention.

#### ARTICLE IV.

Whenever any person accused of any of the crimes enumerated in this Convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this Convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

#### ARTICLE V.

The present Convention shall continue in force until the 1<sup>st</sup> of January, 1858, and if neither party shall have given to the other six months previous notice, of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said first day of January, 1858.

#### ARTICLE VI.

The present Convention shall be ratified by the President by and with the advice and consent of the Senate of the United States, and by the government of Prussia, and the ratifications shall be exchanged at Washington within six months from the date hereof or sooner if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done in triplicate at Washington the sixteenth day of June, one thousand eight hundred and fifty-two, and the seventy-sixth year of the Independence of the United States.

DAN<sup>L</sup> WEBSTER [SEAL.]  
FR. V. GEROLT [SEAL.]

# ROUMANIA.

1881.

## CONSULAR CONVENTION.

*Concluded June 17, 1881; ratification advised by the Senate April 3, 1882; ratified by the President April 6, 1882; ratifications exchanged June 13, 1883; proclaimed July 9, 1883. (Treaties and Conventions, 1889, p. 925.)*

### ARTICLES.

- |  |                                  |
|--|----------------------------------|
| I. Consular officers.                        | VIII. Vice-consuls and agents.   |
| II. Most favored nation consular privileges. | IX. Applications to authorities. |
| III. Exemptions.                             | X. Notarial powers.              |
| IV. Testimony by consuls.                    | XI. Shipping disputes.           |
| V. Arms and flags.                           | XII. Deserters from ships.       |
| VI. Immunities of offices and archives.      | XIII. Damages to vessels at sea. |
| VII. Acting officers.                        | XIV. Shipwrecks and salvage.     |
|  | XV. Estates of deceased persons. |
|  | XVI. Duration; ratification.     |

The United States of America and His Majesty the King of Roumania, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose, and have accordingly named as their plenipotentiaries:

The United States of America—Eugene Schuyler, their Chargé d’Affaires and Consul General;

His Majesty the King of Roumania: M<sup>r</sup> D. Bratiano, President of His Council of Ministers, His Minister of Foreign Affairs, etc. etc.,

who, after having communicated to each other their respective full powers, found to be in good and proper form, have agreed upon the following articles:

### ARTICLE I.

Each of the high contracting parties agrees to receive from the other, consuls-general, consuls, vice-consuls and consular agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

### ARTICLE II.

The consuls-general, consuls, vice-consuls and consular agents of each of the two high contracting parties shall enjoy reciprocally, in the States of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favoured nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of



the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument they shall be permitted to enjoy the rights, privileges, and immunities granted by this convention.

### ARTICLE III.

Consuls-general, consuls, vice-consuls, and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, State or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions.

This exemption shall not, however, apply to consuls-general, consuls, vice-consuls, or consular agents engaged in any profession, business, or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

It is understood that the respective consuls, if they are merchants, shall be entirely submitted, as far as concerns preliminary arrest for commercial acts, to the legislation of the country in which they exercise their functions.

### ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul, or consular agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favour, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Roumania in the like cases.

### ARTICLE V

Consuls-general, consuls, vice-consuls, and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice Consulate or Consular Agency of the United States, or of Roumania.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.



## ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

## ARTICLE VII.

In the event of the death, incapacity, or absence of consuls-general, consuls, vice-consuls, and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Ministry of Foreign Affairs in Roumania, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

## ARTICLE VIII.

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports, and places within their consular jurisdiction. These agents may be selected from among citizens of the United States, Roumanians, or citizens of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles 3 and 4.

## ARTICLE IX.

Consuls-general, consuls, vice-consuls, and consular agents, shall have the right to address the administrative and judicial authorities, whether in the United States, of the Union, the States or the municipalities, or in Roumania, of the State, the district or the commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Roumania, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

## ARTICLE X.

Consuls-general, consuls, vice-consuls, and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies or in translation, duly authenticated and legalized

by the consuls-general, consuls, vice-consuls, and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Roumania.

#### ARTICLE XI.

The respective consuls-general, consuls, vice-consuls, and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of all differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tranquillity and public order on shore, or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases, the aforesaid authorities shall confine themselves to lending aid to the consuls and vice-consuls or consular agents, if they are requested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew-list, whenever, for any cause, the said officers shall think proper.

#### ARTICLE XII.

The respective consuls-general, consuls, vice-consuls, and consular agents may cause to be arrested the officers, sailors and all other persons making part of the crews, in any manner whatever, of ships of war or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company.

Upon such request thus supported, the delivery to them of the deserters cannot be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew-list. All the necessary aid and protection shall be furnished for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they again be arrested for the same cause.

If the deserter has committed any misdemeanour, and the court having the right to take cognizance of the offence shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed.

#### ARTICLE XIII.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily, or are forced by stress of weather, shall be settled by the consuls-general, consuls, vice-consuls, and consular agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a

third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

#### ARTICLE XIV.

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Roumania, and of Roumanian vessels wrecked upon the coasts of the United States, shall be directed by the consuls-general, consuls, and vice-consuls of the two countries respectively, and until their arrival, by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities until the arrival of the consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandize saved.

It is understood that such merchandize is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

#### ARTICLE XV.

In case of the death of any citizen of the United States in Roumania, or of any Roumanian in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to parties interested.

Consuls-general, consuls, vice-consuls, and consular agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

#### ARTICLE XVI.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries and exchanged at Bucarest as soon as possible.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof the respective plenipotentiaries have signed this convention in duplicate, and have hereunto affixed their seals.

Done at Bucarest the 5/17 day of June in the year one thousand eight hundred and eighty one

EUGENE SCHUYLER [SEAL.]  
D BRATIANO [SEAL.]

# RUSSIA.

1824.

## CONVENTION AS TO THE PACIFIC OCEAN AND NORTHWEST COAST OF AMERICA.

*Concluded April 17, 1824; ratification advised by the Senate January 5, 1825; ratified by the President January 7, 1825; ratifications exchanged January 11, 1825; proclaimed January 12, 1825. (Treaties and Conventions, 1889, p. 931.)*

(Translation from the original, which is in the French language.)

### ARTICLES.

- |   |   |
|---|---|
| I. Navigation, fishing, and trading.                | V. Sale of liquors and firearms prohibited. |
| II. Illicit trade.                                  | VI. Ratification.                           |
| III. Mutual limit of occupation of northwest coast. |   |
| IV. Temporary fishing and trading agreement.        |   |

In the Name

of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them and to secure between them the invariable maintenance of a perfect concord, by means of the present Convention, have named as their Plenipotentiaries to this effect, to wit: The President of the United States of America, Henry Middleton a Citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty: and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the administration of foreign Affairs, actual Chamberlain, Knight of the order of St. Alexander Nevsky, Grand Cross of the order of St. Wladimir of the first Class, Knight of that of the white Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, Knight of the orders of the Holy Ghost and of St. Michael, and Grand Cross of the Legion of Honour of France, Knight Grand Cross of the orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Wirtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma, and Pierre de Poletica, actual Counsellor of State, Knight of the order of St. Anne of the first Class, and Grand Cross of the order of St. Wladimir of the second; who, after having exchanged their full powers, found in good and due form, have agreed upon and signed the following stipulations.

## ARTICLE FIRST.

It is agreed that in any part of the Great Ocean, commonly called the Pacific Ocean, or South-Sea, the respective Citizens or Subjects of the high contracting Powers shall be neither disturbed nor restrained either in navigation, or in fishing, or in the power of resorting to the coasts upon points which may not already have been occupied, for the purpose of trading with the Natives, saving always the restrictions and conditions determined by the following articles.

## ARTICLE SECOND.

With a view of preventing the rights of navigation and of fishing, exercised upon the Great Ocean by the Citizens and Subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed, that the Citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the Governor or Commander; and that, reciprocally, the Subjects of Russia shall not resort, without permission, to any establishment of the United States upon the North West Coast.

## ARTICLE THIRD.

It is moreover agreed, that hereafter there shall not be formed by the Citizens of the United-States, or under the authority of the said States, any establishment upon the North West Coast of America, nor in any of the Islands adjacent, *to the north* of fifty four degrees and forty minutes of north latitude; and that in the same manner there shall be none formed by Russian Subjects or under the authority of Russia *south* of the same parallel.<sup>1</sup>

## ARTICLE FOURTH.

It is nevertheless understood that during a term of ten years, counting from the signature of the present Convention, the ships of both Powers, or which belong to their Citizens or Subjects respectively, may reciprocally frequent without any hindrance whatever, the interior seas, gulphs, harbours and creeks upon the Coast mentioned in the preceding Article, for the purpose of fishing and trading with the natives of the country.

## ARTICLE FIFTH.

All spirituous liquors, fire-arms, other arms, powder and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding Article, and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold to the Natives by their respective Citizens and Subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the merchandize, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce: the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishment, in case of the contravention of this Article by their respective Citizens or Subjects.

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<sup>1</sup> See Treaty of 1867, p. 537.



## ARTICLE SIXTH.

When this Convention shall have been duly ratified by the President of the United-States, with the advice and consent of the Senate on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible. In faith whereof the respective Plenipotentiaries have signed this Convention, and thereto affixed the Seals of their Arms.

Done at St. Petersburg the 17<sup>th</sup> April, of the year of Grace one thousand eight hundred and twenty four.

(Signed)

[L. S.]

HENRY MIDDLETON.

[L. S.]

Le Comte CHARLES DE NESSELRODE.

[L. S.]

PIERRE DE POLETICA.

1832.

## TREATY OF COMMERCE AND NAVIGATION.

*Concluded December 18, 1832; ratification advised by the Senate February 27, 1833; ratified by the President April 8, 1833; ratifications exchanged May 11, 1833; proclaimed May 11, 1833. (Treaties and Conventions, 1889, p. 933.)*

## ARTICLES.

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|--|---|
| <p>I. Freedom of commerce and navigation.</p> <p>II. Reciprocal treatment of vessels.</p> <p>III. No discrimination on account of vessels importing.</p> <p>IV. Application of two preceding articles.</p> <p>V. Export duties.</p> <p>VI. Import duties.</p> <p>VII. Coastwise trade.</p> | <p>VIII. Consular officers and powers.</p> <p>IX. Deserters from ships.</p> <p>X. Estates of deceased persons.</p> <p>XI. Most favored nation commercial privileges.</p> <p>XII. Duration.</p> <p>XIII. Ratification.</p> <p>Separate article: Trade with Prussia, Sweden, Norway, Poland, and Finland.</p> |
|--|---|

In the name of the most Holy and indivisible Trinity

The United States of America, and His Majesty the Emperor of all the Russias, equally animated with the desire of maintaining the relations of good understanding, which have hitherto so happily subsisted between their respective States, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a Treaty of navigation and commerce, For which purpose the President of the United States has conferred full powers on James Buchanan their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty; and His Majesty the Emperor of all the Russias has conferred like powers on the Sieur Charles Robert Count de Nesselrode, His Vice-Chancellor, Knight of the orders of Russia, and of many others &c: and the



said Plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following Articles:

#### ARTICLE I.

There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall, mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

#### ARTICLE II.

Russian vessels arriving either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving either laden, or in ballast in the ports of the Empire of Russia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage. In regard to light house duties, pilotage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, the high contracting parties shall reciprocally treat each other, upon the footing of the most favored nations, with whom they have not Treaties now actually in force, regulating the said duties and charges on the basis of an entire reciprocity.

#### ARTICLE III.

All kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the Empire of Russia, in Russian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in Russian vessels. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully imported into the ports of the United States of America, in vessels of the said States, may also, be so imported in Russian-vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in vessels of the United States of America.

#### ARTICLE IV.

It is understood that the stipulations contained in the two preceding Articles, are, to their full extent, applicable to Russian vessels, and

their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the Empire of Russia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

#### ARTICLE V.

All kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels may, also, be exported therefrom in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the Empire of Russia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in Russian vessels.

#### ARTICLE VI

No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Russia; and no higher or other duties shall be imposed on the importation into the Empire of Russia, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of Russia, to, or from the ports of the United States, or to, or from the ports of the Russian Empire, which shall not equally extend to all other nations.

#### ARTICLE VII.

It is expressly understood that the preceding Articles II, III, IV, V, and VI shall not be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

#### ARTICLE VIII.

The two contracting parties shall have the liberty of having, in their respective ports, Consuls, Vice-Consuls, Agents and commissaries of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations; but if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their Nation are submitted, in the same place.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as

may arise between the Captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order of the tranquillity of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their Country.

#### ARTICLE IX.

The said Consuls, Vice-Consuls, and Commercial Agents, are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents that such individuals formed part of the crews; and, this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within four months, from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

#### ARTICLE X.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at will, paying to the profit of the respective Governments, such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native of the same country, in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants, as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of one of the high

contracting parties, such real estate would by the laws of the land, descend on a citizen or subject of the other party, who by reason of alienage may be incapable of holding it, he shall be allowed the time fixed by the laws of the country, and in case the laws of the country, actually in force may not have fixed any such time, he shall then be allowed a reasonable time to sell such real estate and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments, any other dues than those to which the inhabitants of the country wherein said real estate is situated, shall be subject to pay, in like cases. But this Article shall not derogate, in any manner, from the force of the laws already published, or which may hereafter be published by His Majesty the Emperor of all the Russias: to prevent the emigration of his subjects.

#### ARTICLE XI.

If either party shall, hereafter, grant to any other nation, any particular favor in navigation or commerce, it shall, immediately, become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

#### ARTICLE XII.

The present treaty, of which the effect shall extend, in like manner, to the Kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the first day of January, in the year of our Lord one thousand Eight hundred and Thirty nine, and if, one year before that day, one of the high contracting parties, shall not have announced to the other, by an official notification, it's intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on until the expiration of the year which shall commence after the date of a similar notification.

#### ARTICLE XIII.

The present Treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the Emperor of all the Russias; and the ratifications shall be exchanged in the City of Washington within the space of one year, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present treaty in duplicate and affixed thereto the seal of their arms.

Done at St Petersburg the <sup>sixth</sup>~~eighteenth~~ December, in the year of Grace, One thousand Eight hundred and thirty two.

JAMES BUCHANAN. [SEAL.]  
[SEAL.] CHARLES COMTE DE NESSELRODE.

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#### SEPERATE ARTICLE

Certain relations of proximity and anterior engagements, having rendered it necessary for the Imperial Government to regulate the commercial relations of Russia with Prussia and the Kingdoms of Sweden

and Norway by special stipulations, now actually in force, and which may be renewed hereafter; which stipulations are, in no manner connected with the existing regulations for foreign commerce in general; the two high contracting parties, wishing to remove from their commercial relations every kind of ambiguity or subject of discussion, have agreed, that the special stipulations granted to the commerce of Prussia, and of Sweden and Norway, in consideration of equivalent advantages granted in these countries, by the one to the commerce of the Kingdom of Poland, and by the other to that of the Grand Duchy of Finland, shall not, in any case, be invoked in favor of the relations of commerce and navigation, sanctioned between the two high contracting parties by the present Treaty.

The present Seperate Article shall have the same force and value as if it were inserted, word for word, in the Treaty signed this day, and shall be ratified at the same time.

In faith whereof, we, the undersigned, by virtue of our respective full powers, have signed the present Seperate Article, and affixed thereto the seals of our arms.

Done at S<sup>t</sup>. Petersburg, the 18<sup>th</sup> of December, in the year of Grace, one Thousand Eight hundred & thirty two.

JAMES BUCHANAN [SEAL.]  
[SEAL.] CHARLES COMTE DE NESSELRODE.

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1854.

#### CONVENTION AS TO RIGHTS OF NEUTRALS AT SEA.

*Concluded July 22, 1854; ratification advised by the Senate July 25, 1854; ratified by the President August 12, 1854; ratifications exchanged October 31, 1854; proclaimed November 1, 1854. (Treaties and Conventions, 1889, p. 938.)*

#### ARTICLES.

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|--|--|
| <p>I. Principles of free ships and neutral property.</p> <p>II. Extension of principles.</p> | <p>III. Accession of other nations.</p> <p>IV. Ratification.</p> |
|--|--|

The United States of America and His Majesty the Emperor of all the Russias, equally animated with a desire to maintain, and to preserve from all harm, the relations of good understanding which have at all times so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognize as indispensable conditions of all freedom of navigation and maritime trade. For this purpose, the President of the United States has conferred full powers on William L. Marcy, Secretary of State of the United States; and His Majesty the Emperor of all the Russias has conferred like powers on M<sup>r</sup> Edward de Stoeckl, Counsellor of State, Knight of the Orders of S<sup>te</sup> Anne of the 2<sup>d</sup> Class, of S<sup>t</sup> Stanislas, of the 4<sup>th</sup> Class, and of the Iron Crown of Austria, of the 3<sup>d</sup> Class, His Majesty's Chargé d'Affaires near the Government of the United States of America: and

said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

#### ARTICLE I.

The two High Contracting Parties recognise as permanent and immutable the following principles, to wit:

1<sup>st</sup> That free ships make free goods that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2<sup>d</sup> That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

#### ARTICLE II.

The two High Contracting Parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1<sup>st</sup> Article. But they declare from this time that they will take the stipulations contained in said Article 1., as a rule, whenever it shall become a question, to judge of the rights of neutrality.

#### ARTICLE III.

It is agreed by the High Contracting Parties that all Nations which shall or may consent to accede to the rules of the first Article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

#### ARTICLE IV.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by His Majesty the Emperor of all the Russias, and the ratifications of the same shall be exchanged at Washington within the period of ten months, counting from this day, or sooner, if possible.

In faith whereof, the respective Plenipotentiaries have signed the present convention, in duplicate, and thereto affixed the seal of their arms.

Done at Washington the twenty second day of July, the year of grace 1854.

W. L. MARCY.

[SEAL.]

EDOUARD STOECKL.

[SEAL.]



1867.

## CONVENTION CEDING ALASKA.

*Concluded March 30, 1867; ratification advised by the Senate April 9, 1867; ratified by the President May 28, 1867; ratifications exchanged June 20, 1867; proclaimed June 20, 1867. (Treaties and Conventions, 1889, p. 939.)*

## ARTICLES.

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|--|---------------------------------|
| I. Territory ceded; boundaries.                      | IV. Formal delivery.            |
| II. Public property ceded.                           | V. Withdrawal of troops.        |
| III. Citizenship of inhabitants; uncivilized tribes. | VI. Payment; effect of cession. |
|  | VII. Ratification.              |

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

## ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28-16, 1825, and described in Articles III and IV of said convention, in the following terms:

“Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131<sup>st</sup> and 133<sup>d</sup> degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141<sup>st</sup> degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141<sup>st</sup> degree, in its prolongation as far as the Frozen ocean.

“IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

“1<sup>st</sup> That the island called Prince of Wales Island shall belong wholly to Russia,” (now, by this cession, to the United States.)

“2<sup>d</sup>. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56<sup>th</sup> degree of north latitude to the point of intersection of the 141<sup>st</sup> degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.”

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group, in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

#### ARTICLE II.

In the cession of territory and dominion made by the preceding article, are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any Government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian officers or subjects as they may apply for.

#### ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized tribes will be subject to such laws and regulations as the United States, may from time to time, adopt in regard to aboriginal tribes of that country.

## ARTICLE IV.

His Majesty, the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

## ARTICLE V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory, shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

## ARTICLE VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property-holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

## ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March in the year of our Lord one thousand eight hundred and sixty-seven.

[SEAL.]	WILLIAM H. SEWARD,
[SEAL.]	EDOUARD DE STOECKL,

1868.

ADDITIONAL ARTICLE TO TREATY OF COMMERCE, 1832. TRADE-MARKS.

*Concluded January 27, 1868; ratification advised by the Senate July 25, 1868; ratified by the President August 14, 1868; ratifications exchanged September 21, 1868; proclaimed October 15, 1868. (Treaties and Conventions, 1889, p. 942.)*

ARTICLE.—COUNTERFEITING OF TRADE-MARKS PROHIBITED;  
REGISTRATION.

The United States of America and his Majesty the Emperor of all the Russias, deeming it advisable that there should be an additional Article to the Treaty of Commerce<sup>1</sup> between them, of the 1<sup>st</sup> December 1832, have for this purpose named as their Plenipotentiaries, the President of the United States, William H. Seward, Secretary of State, and His Majesty the Emperor of all the Russias, the Privy Councillor, Edward de Stoeckl, accredited as His Envoy Extraordinary and Minister Plenipotentiary to the United States; and the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following:

ADDITIONAL ARTICLE.

The High Contracting Parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens and subjects, agree that any counterfeiting in one of the two countries of the trade marks affixed in the other on merchandize to show its origin and quality, shall be strictly prohibited and repressed, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

The trade marks in which the citizens or subjects of one of the two countries may wish to secure the right of property in the other, must be lodged exclusively, to wit, the marks of citizens of the United States, in the Department of Manufactures and Inland Commerce, at St. Petersburg, and the marks of Russian subjects, at the Patent Office in Washington.

This additional Article shall be terminable by either party, pursuant to the twelfth Article of the Treaty to which it is an addition. It shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty, the Emperor of all the Russias; and the respective ratifications of the same shall be exchanged at St. Petersburg; within nine months from the date hereof, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present additional Article in duplicate and affixed thereto the seal of their arms.

Done at Washington, the twenty seventh day of January, in the year of Grace, one thousand eight hundred and sixty-eight.

[SEAL.] WILLIAM H. SEWARD.  
[SEAL.] EDOUARD DE STOECKL.

<sup>1</sup> See page 530.

1874.

## TRADE-MARK DECLARATION.

*Signed March 28, 1874; ratification advised by the Senate June 22, 1874; ratified by the President June 26, 1874; proclaimed November 24, 1874. (Treaties and Conventions, 1889, p. 943.)*

## DECLARATION.

The Government of the United States of America and the Government of His Majesty the Emperor of all the Russias, having recognized the necessity of defining and rendering more efficacious the stipulations contained in the additional Article of the 15<sup>th</sup> January 1868, to the Treaty of Commerce and Navigation, concluded between the United States of America and Russia, on the 18<sup>th</sup> December 1832, the undersigned, duly authorized to that effect, have agreed upon the following arrangements.

## ARTICLE 1.

With regard to marks of goods or of their packages and also with regard to marks of manufacture and trade, the Citizens of the United States of America shall enjoy in Russia, and Russian subjects shall enjoy in the United States, the same protection as native citizens.

## ARTICLE II.

The preceding article, which shall come immediately into operation, shall be considered as forming an integral part of the Treaty of the 18<sup>th</sup> December 1832<sup>1</sup> and shall have the same force and duration as the said Treaty.

In faith whereof the undersigned have drawn up and signed the present declaration and affixed thereto their seals.

Done in duplicate in the English and Russian languages at St. Petersburg, this 18 day of March, 1874.

[SEAL.]  
[SEAL.]

MARSHALL JEWELL.  
GORTCHACOW.

1887.

## EXTRADITION CONVENTION.

*Concluded March 28, 1887; ratification advised by the Senate with amendments February 6, 1893; ratified by the President February 14, 1893; ratifications exchanged April 21, 1893; proclaimed June 5, 1893. (U. S. Stats., Vol. 28, p. 1071.)*

## ARTICLES.

- I. Surrender of accused; evidence.
- II. Extraditable crimes.
- III. Political offenses.
- IV. Nondelivery of citizens.
- V. Persons under trial.
- VI. Procedure.

- VII. Provisional detention.
- VIII. Articles taken with fugitives.
- IX. Persons claimed by a third country.
- X. Expenses.
- XI. Duration; ratification.

The United States of America and His Majesty the Emperor of all the Russias having thought proper, with a view to the better administration of justice, and for the prevention of crime in their respective

<sup>1</sup> See page 530.



territories and jurisdictions, that persons convicted of, or charged with, any of the crimes hereinafter enumerated, and having escaped from justice, should, in certain cases, be reciprocally delivered up, have resolved to conclude a Convention to this end, and have named as their Plenipotentiaries, to wit:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States; and His Majesty the Emperor of all the Russias, Charles Struve, His Master of the Court, Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America, and Baron Romain Rosen, His Gentleman in Waiting, Councillor of State, and Consul-General at New York; who, having communicated to each other their full powers found to be in good and due form, have agreed upon the following articles:

#### ARTICLE I.

The High Contracting Parties reciprocally agree to surrender to each other, upon mutual requisitions and according to their respective regulations and procedure, persons who, being charged with, or convicted of, the commission, in the territory of one of the contracting parties, of any of the crimes and offenses specified in the following article, shall seek an asylum or be found within the territory of the other: Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

#### ARTICLE II.

Persons convicted of, or charged with, any of the following crimes, as well as attempts to commit, or participation in, the same, as an accessory before the fact, provided such attempt or participation is punishable by the laws of both countries, shall be delivered up in virtue of the provisions of this Convention:

1. Murder and manslaughter, when voluntary.
2. Rape, abortion.
3. Arson.
4. Burglary, defined to be the act of breaking, and entering by night, into the dwelling-house of another, with intent to commit felony; robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; larceny, when the value of the property stolen shall exceed two hundred dollars, or three hundred roubles.
5. Forgery; and the utterance of forged papers, including public, sovereign, or governmental acts.
6. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank notes, obligations, or, in general, of any counterfeit title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps, and marks of state and public administrations, and the utterance thereof.
7. The embezzlement of public moneys by public officers or depositaries.
8. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when the value of the property so taken shall exceed two hundred dollars, or three hundred roubles.



9. Piracy, or mutiny on shipboard, whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or by violence against the commander.

10. Wilful or unlawful destruction or obstruction of railroads which endangers human life.

### ARTICLE III.

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for any political offense committed previously to his extradition, nor for any offense other than that for which the extradition was granted; nor shall the surrender of any person be demanded for an offense committed prior to the date at which this Convention shall take effect.

An attempt against the life of the head of either Government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, or of accessorship thereto, shall not be considered a political offense or an act connected with such an offense.

### ARTICLE IV.

The contracting parties shall not be required to deliver up their own citizens or subjects, in virtue of the stipulations of the present Convention.

### ARTICLE V.

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition, or to proceed with the trial: Provided, that, unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

### ARTICLE VI.

Requisitions for the surrender of fugitives from justice, accused or convicted of any of the crimes or offenses hereinbefore mentioned, shall be made by the diplomatic agent of the demanding Government. In case of the absence of such agents either from the country or from the seat of Government, such requisitions may be made by the superior consular officer.

When the person whose surrender is requested shall already have been convicted of the crime or offense for which his extradition is demanded, the demand therefor shall be accompanied by a copy of the judgment of the court that pronounced the sentence, bearing the seal of said court. The signature of the judge thereof shall be authenticated by the proper executive officer of the demanding Government, whose official character shall, in turn, be attested by the diplomatic agent or superior consular officer of the Government on which the demand is made.

When the person whose surrender is asked shall be merely charged with the commission of an extraditable crime or offense, the application for extradition shall be accompanied by an authenticated copy of the warrant of arrest or of some other equivalent judicial document issued by a judge or a magistrate duly authorized to do so; and

likewise by authenticated copies of the depositions or declarations made before such judge or magistrate and setting forth the acts with which the fugitive is charged.

#### ARTICLE VII.

It shall be lawful for any competent judicial authority of the United States, upon production of a certificate issued by the Secretary of State, stating that request has been made by the Imperial Government of Russia for the provisional arrest of a person convicted or accused of the commission therein of a crime or offense extraditable under this Convention, and upon complaint, duly made, that such crime or offense has been so committed, to issue his warrant for the apprehension of such person. But if the formal requisition for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

And the Imperial Russian Government will, upon request of the Government of the United States, transmitted through the diplomatic agent of the United States, or, in his absence, through the competent consular officer, secure the provisional arrest of persons convicted or accused of the commission therein of crimes or offenses extraditable under this convention. But if the formal requisition for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by the competent consular officer within forty days from the date of the arrest of the fugitive, the prisoner shall be discharged from custody.

#### ARTICLE VIII.

Articles in the possession of the fugitive that have aided the commission of the crime or offense, and any article or property which was obtained through the commission of the crime or offense charged, and, also, any other article that may serve to convict, shall, if the demand for extradition be granted, be delivered to the authorities of the demanding Government, even where, owing to the death or escape of the fugitive, extradition can not take place. Such delivery shall also include articles of the character above-mentioned which the fugitive may have concealed or deposited in the country of refuge, and which may subsequently be found there. The rights of third parties to the above-mentioned articles shall, nevertheless, be duly respected, and they shall be returned to the owners free of expense after the conclusion of the case.

The right of the Government on which the demand for extradition is made to temporarily retain such articles, when they may be necessary for the institution of criminal proceedings occasioned by the same act that has given rise to the demand for extradition, or by any other act, is admitted.

#### ARTICLE IX.

In case the person whose extradition is demanded under the present Convention is also claimed by another Government, preference shall be given to the Government whose demand shall be earliest in point

of time: Provided the Government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE X.

The expense occasioned by the arrest, detention, and transportation of persons whose extradition is requested shall be borne by the Government making the application.

ARTICLE XI.

The present Convention shall be ratified and the ratifications shall be exchanged at S<sup>t</sup> Petersburg as soon as possible.

It shall take effect on the twentieth day after its promulgation in the manner prescribed by the laws in force in the territories of the contracting parties. It shall remain in force for six months after notice of its termination shall have been given by either of the contracting parties.

In witness whereof, the respective Plenipotentiaries have signed the present convention and have thereunto affixed the seals of their arms.

Done in duplicate, at the city of Washington, on the twenty-eighth day of March, one thousand eight hundred and eighty-seven.

T. F. BAYARD	[SEAL.]
C STRUVE	[SEAL.]
ROSEN	[SEAL.]

1894.

AGREEMENT FOR A MODUS VIVENDI IN RELATION TO THE FUR-SEAL FISHERIES IN BEHRING SEA AND THE NORTH PACIFIC OCEAN.

*Concluded May 4, 1894; ratification advised by the Senate May 9, 1894; proclaimed May 12, 1894. (U. S. Stats., Vol. 28, p. 1202.)*

PARAGRAPHS.

- |  |                                       |
|--|---------------------------------------|
| 1. Sealing by United States citizens prohibited on Russian coasts. | 3. Trials.                            |
| 2. Seizure of offending vessels.                                   | 4. Limit of catch on Russian islands. |
|  | 5. Termination at will.               |

For the purpose of avoiding difficulties and disputes in regard to the taking of fur-seal in the waters of Behring Sea and the North Pacific Ocean, and to aid in the preservation of seal life, the Government of the United States and the Imperial Government of Russia have entered into the following temporary agreement, with the understanding that it is not to create a precedent for the future, and that the contracting parties mutually reserve entire liberty to make choice hereafter of such measures as may be deemed best adapted for the protection of the fur-seal species, whether by means of prohibitive zones, or by the complete prohibition of pelagic sealing, or by appropriate regulation of seal-hunting in the high seas.

1. The Government of the United States will prohibit citizens of the United States from hunting fur-seal within a zone of ten nautical miles along the Russian coasts of Behring Sea, and of the North Pacific

Ocean, as well as within a zone of thirty nautical miles around the Komandorsky (Commander) Islands and Tulienev (Robben) Island, and will promptly use its best efforts to ensure the observance of this prohibition by citizens and vessels of the United States.

2. Vessels of the United States engaged in hunting fur-seal in the above-mentioned zones outside of the territorial waters of Russia may be seized and detained by the naval or other duly commissioned officers of Russia; but they shall be handed over as soon as practicable to the naval or other commissioned officers of the United States or to the nearest authorities thereof. In case of impediment or difficulty in so doing, the commander of the Russian cruiser may confine his action to seizing the ship's papers of the offending vessels in order to deliver them to a naval or other commissioned officer of the United States, or to communicate them to the nearest authorities of the United States as soon as possible.

3. The Government of the United States agrees to cause to be tried by the ordinary courts, with all due guarantees of defense, such vessels of the United States as may be seized, or the ship's papers of which may be taken, as herein prescribed, by reason of their engaging in the hunting of fur-seal within the prohibited zones outside of the territorial waters of Russia aforesaid.

4. The Imperial Russian Government will limit to 30,000 head the number of fur-seal to be taken during the year 1894, on the coasts of the Komandorsky (Commander) and Tulienev (Robben) Islands.

5. The present agreement shall have no retroactive force as regards the seizure of any seal-hunting vessel of the United States by the naval or other commissioned officers of Russia prior to the conclusion hereof.

6. The present agreement being intended to serve the purpose of a mere provisional expedient to meet existing circumstances, may be terminated at will by either party upon giving notice to the other.

In witness whereof, we, Walter Q. Gresham, Secretary of State of the United States, and Prince Gregoire Cantacuzene, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias, have, on behalf of our respective Governments, signed and sealed this Agreement in duplicate, and in the English and French

languages, in the City of Washington, this <sup>4 May</sup><sub>22 April</sub> 1894.

WALTER Q. GRESHAM [SEAL]  
PRINCE CANTACUZENE [SEAL]

**SALVADOR.**  
(FORMERLY SAN SALVADOR.)

1850.

CONVENTION OF AMITY, NAVIGATION, AND COMMERCE.

*Concluded January 2, 1850; ratification advised by the Senate September 24, 1850; ratified by the President November 14, 1850; time for exchange of ratifications extended by the Senate September 27, 1850; ratifications exchanged June 2, 1852; exchange of ratifications consented to by the Senate April 4, 1853; proclaimed April 18, 1853. (Treaties and Conventions, 1889, p. 945.)*

This treaty of thirty-six articles was superseded by the Treaty of December 6, 1870, page 550.

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1870.

EXTRADITION CONVENTION.

*Concluded May 23, 1870; ratification advised by the Senate December 9, 1870; ratified by the President December 16, 1870; time for exchange of ratifications extended by convention of May 12, 1873; ratifications exchanged March 2, 1874; proclaimed March 4, 1874. (Treaties and Conventions, 1889, p. 955.)*

(The Government of Salvador has given notice that this convention will terminate in 1904.)

ARTICLES.

- |                          |                               |
|--------------------------|-------------------------------|
| I. Surrender of accused. | V. Nondelivery of citizens.   |
| II. Extraditable crimes. | VI. Procedure.                |
| III. Political offenses. | VII. Expenses.                |
| IV. Persons under trial. | VIII. Duration; ratification. |

The United States of America and the Republic of Salvador, having judged it expedient, with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries: the President of the United

States, Alfred T. A. Torbert, Minister Resident to Salvador: the President of the Republic of Salvador, Señor Doctor Don Gregorio Arbizú, Minister of Foreign Affairs, who after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE 1<sup>st</sup>.

The Government of the United States and the Government of Salvador, mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the Contracting Parties, shall seek an asylum or be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE 2<sup>nd</sup>.

Persons shall be delivered up who shall have been convicted of, or be charged according to the provisions of this Convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the Penal Codes of the Contracting Parties by the terms homicide, parricide, assassination, poisoning, and infanticide.

2° The attempt to commit murder.

3° The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the Commander, have taken possession of the vessel.

4° The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence, or putting him in fear.

5° The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.

6° The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, banknotes, and obligations, and in general of all things being titles on instruments of credit, the counterfeiting of seals, dies, stamps, and marks of state and public administration, and the utterance thereof.

7° The embezzlement of public moneys committed within the jurisdiction of either party, by public officers or depositors.

8° Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE 3<sup>rd</sup>.

The provisions of this Treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.



ARTICLE 4<sup>th</sup>.

If the person whose surrender may be claimed, pursuant to the stipulations of the present Treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, shall have been convicted therefor, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE 5<sup>th</sup>.

In no case and for no motive shall the High Contracting Parties be obliged to deliver up their own subjects. If in conformity with the laws in force in the State to which the accused belongs, he ought to be submitted to criminal procedure for crimes committed in the other State, the latter must communicate the information and documents, send the implements or tools which were employed to perpetrate the crime, and procure every other explanation or evidence necessary to prosecute the case.

ARTICLE 6<sup>th</sup>.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in the event of the absence of these from the country, or its seat of Government, they may be made by Superior Consular Officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the Judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Salvador, respectively, shall accompany the requisition. When however, the fugitive shall have been merely charged with crime, a duly-authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or the depositions upon which such warrant may have been issued, must accompany the requisition aforesaid. The President of the United States, or the President of Salvador, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the Treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE 7<sup>th</sup>.

The expenses of the arrest, detention, and transportation of the persons claimed, shall be paid by the Government in whose name the requisition shall have been made.

ARTICLE 8<sup>th</sup>.

This Convention shall continue in force during (10) ten years from the day of exchange of ratifications, but if neither Party shall have given to the other (6) six months previous notice of its intention to terminate the same, the Convention shall remain in force ten years longer, and so on.

The present Convention shall be ratified, and the ratifications exchanged at the City of Washington within (12) twelve months and sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at the City of San Salvador the twenty third day of May A. D. one thousand eight hundred and seventy and of the Independence of the United States the ninety fourth.

[SEAL.]  
[SEAL.]

ALFRED T. A. TORBERT.  
GREGO ARBIZÚ.

1870.

#### TREATY OF AMITY, COMMERCE, AND CONSULAR PRIVILEGES.

*Concluded December 6, 1870; ratification advised by the Senate March 31, 1871; ratified by the President April 11, 1871; time for exchange of ratifications extended by convention of May 12, 1873; ratifications exchanged March 11, 1874; proclaimed March 13, 1874. (Treaties and Conventions, 1889, p. 957.)*

Upon notice from the Government of Salvador this general treaty of thirty-nine articles was abrogated May 30, 1893.

1873.

#### EXTRADITION CONVENTION.

*Concluded May 12, 1873; ratification advised by the Senate February 9, 1874; ratified by the President February 16, 1874; ratifications exchanged March 2, 1874; proclaimed March 4, 1874. (U. S. Stats. Vol. 18, p. 796).*

This convention extended for one year the time for the exchange of ratifications of the Extradition Convention of May 23, 1870.

1873.

#### CONVENTION OF AMITY, COMMERCE AND CONSULAR PRIVILEGES.

*Concluded May 12, 1873; ratification advised by the Senate March 2, 1874; ratified by the Senate March 10, 1874; ratifications exchanged March 11, 1874; proclaimed March 13, 1874. (U. S. Stats. Vol. 18, p. 798.)*

The time for the exchange of ratifications of the Treaty of December 6, 1870, was extended one year by this convention.

# SAMOAN ISLANDS.

1878.

## TREATY OF FRIENDSHIP AND COMMERCE.

*Concluded January 17, 1878; ratification advised by the Senate with amendments January 30, 1878; ratified by the President February 8, 1878; ratifications exchanged February 11, 1878; proclaimed February 13, 1878. (Treaties and Conventions, 1889, p. 972.)*

### ARTICLES.

- |   |                                     |
|---|-------------------------------------|
| I. Friendship.  | VI. Most favored nation privileges. |
| II. Privileges in Samoan ports.                         | VII. Duration.                      |
| III. Exemptions from duties.                            | VIII. Ratification.                 |
| IV. Judicial powers of consul.                          |                                     |
| V. Good offices of United States to adjust differences. |                                     |

The Government of the United States of America and the Government of the Samoan Islands, being desirous of concluding a treaty of friendship and commerce, the President of the United States has for this purpose conferred full powers upon William M. Evarts, Secretary of State; and the Government of the Samoan Islands has conferred like powers upon MK. Le Mamea, its Envoy Extraordinary to the United States. And the said Plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon the following articles:

### ARTICLE I.

There shall be perpetual peace and friendship between the Government of the United States and the Government of the Samoan Islands.

### ARTICLE II.

Naval vessels of the United States shall have the privilege of entering and using the port of Pagopago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof. The same vessels shall also have the privilege of entering other ports of the Samoan Islands. The citizens of the United States shall likewise have free liberty to enter the same ports with their ships and cargoes of whatsoever kind, and to sell the same to any of the inhabitants of those Islands, whether natives or foreigners, or to barter them for the products of the Islands. All such traffic in whatever articles of trade or barter shall be free, except that the trade in fire-arms and munitions of war in the Islands shall be subject to regulations by that Government.

## ARTICLE III.

No import or export duty shall be charged on the cargoes of the vessels of the United States entering or clearing from the Ports of the Samoan Islands and no other than a tonnage duty of one half of one per cent per ton actual measurement,<sup>1</sup> shall be charged on the entrance of such vessels.

## ARTICLE IV.

All disputes between citizens of the United States in the Samoan Islands, whether relating to civil matters or to offences or crimes, shall be heard and determined by the Consul of the United States at Apia, Samoa, under such regulations and limitations as the United States may provide, and all disputes between citizens of the United States and the people of those Islands, shall be heard by that Consul in conjunction with such officer of the Samoan Government as may be designated for that purpose. Crimes and offences in cases where citizens of the United States may be convicted, shall be punished according to the laws of their country; and in cases where the people of the Samoan Islands may be convicted, they shall be punished pursuant to Samoan laws and by the authorities of that country.

## ARTICLE V.

If, unhappily, any differences should have arisen, or shall hereafter arise, between the Samoan Government and any other Government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation.

## ARTICLE VI.

The Government of Samoa agrees to allow to the Government and citizens of the United States, free and equal participation in any privileges that may have been or may hereafter be granted to the Government, citizens or subjects of any other nation.

## ARTICLE VII.

The present treaty shall remain in force for ten years from its date. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either party shall have given notice to the other of such intention.

## ARTICLE VIII.

The present treaty shall be ratified and the ratifications exchanged as soon as possible.

In faith whereof, the Plenipotentiaries have signed and sealed this treaty at Washington, the seventeenth day of January, one thousand eight hundred and seventy-eight.

WILLIAM MAXWELL EVARTS. [SEAL.]  
MK. LE MAMEA. [SEAL.]

<sup>1</sup> MEMORANDUM.—The words “one-half of one per cent. per ton actual measurement,” in Article III, are understood to mean at the rate of one-half cent on each ton, and they are not deemed susceptible of any other meaning.

MK. LE MAMEA.

1889.

**GENERAL ACT PROVIDING FOR THE NEUTRALITY AND AUTONOMOUS  
GOVERNMENT OF THE SAMOAN ISLANDS.**

*Concluded at Berlin June 14, 1889; ratification advised by the Senate February 4, 1890; ratified by the President February 21, 1890; ratifications exchanged April 12, 1890; assented to by Samoa April 19, 1890; proclaimed May 21, 1890. (U. S. Stats., Vol. 26, p. 1497.)*

**ARTICLES.**

- |   |   |
|---|---|
| <p>I. Declaration of the independence and neutrality of the islands.</p> <p>II. Modification of existing treaties.</p> <p>III. Establishment of supreme court of justice; jurisdiction.</p> <p>IV. Settlement of land titles.</p> | <p>V. Municipal administration of Apia.</p> <p>VI. Taxation and revenue.</p> <p>VII. Sale of arms, ammunition, and intoxicating liquors.</p> <p>VIII. General dispositions.</p> |
|---|---|

**THE PRESIDENT OF THE UNITED STATES OF AMERICA, HIS MAJESTY THE EMPEROR OF GERMANY, KING OF PRUSSIA, HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, EMPRESS OF INDIA,**

Wishing to provide for the security of the life, property and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with the Islands of Samoa; and desirous at the same time to avoid all occasions of dissension between their respective Governments and the Government and people of Samoa, while promoting as far as possible the peaceful and orderly civilization of the people of these Islands have resolved, in accordance with the invitation of the Imperial Government of Germany, to resume in Berlin the Conference of Their Plenipotentiaries which was begun in Washington on June 25. 1887; and have named for Their present Plenipotentiaries the following:

**THE PRESIDENT OF THE UNITED STATES OF AMERICA:**

Mr. John A. Kasson,  
Mr. William Walter Phelps,  
Mr. George H. Bates;

**HIS MAJESTY THE EMPEROR OF GERMANY, KING OF PRUSSIA:**

Count Bismarck, Minister of State, Secretary of State for Foreign Affairs,  
Baron von Holstein, Actual Privy Councillor of Legation,  
Dr. Krauel, Privy Councillor of Legation;

**HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, EMPRESS OF INDIA:**

Sir Edward Baldwin Malet, Her Majesty's Ambassador to the Emperor of Germany, King of Prussia,  
Charles Stewart Scott Esquire, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation,  
Joseph Archer Crowe Esquire, Her Majesty's Commercial Attaché for Europe,

who, furnished with full powers which have been found in good and due form, have successively considered and adopted:

First; A Declaration respecting the independence and neutrality of the Islands of Samoa, and assuring to their respective citizens and subjects equality of rights in said Islands, and providing for the immediate restoration of peace and order therein.

Second; A Declaration respecting the modification of existing treaties, and the assent of the Samoan Government to this Act.

Third; A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its jurisdiction.

Fourth; A Declaration respecting titles to land in Samoa, restraining the disposition thereof by natives, and providing for the investigation of claims thereto and for the registration of valid titles.

Fifth; A Declaration respecting the Municipal District of Apia, providing a local administration therefor and defining the jurisdiction of the Municipal Magistrate.

Sixth; A Declaration respecting taxation and revenue in Samoa.

Seventh; A Declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use.

Eighth; General Dispositions.

#### ARTICLE I.

*A Declaration respecting the independence and neutrality of the Islands of Samoa, and assuring to the respective citizens and subjects of the Signatory Powers equality of rights in said Islands; and providing for the immediate restoration of peace and order therein.*

It is declared that the Islands of Samoa are neutral territory in which the citizens and subjects of the Three Signatory Powers have equal rights of residence, trade and personal protection. The Three Powers recognize the independence of the Samoan Government and the free right of the natives to elect their Chief or King and choose their form of Government according to their own laws and customs. Neither of the Powers shall exercise any separate control over the Islands or the Government thereof.

It is further declared, with a view to the prompt restoration of peace and good order in the said Islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, that Malietoa Laupepa, who was formerly made and appointed King on the 12<sup>th</sup> day of July 1881, and was so recognized by the Three Powers, shall again be so recognized hereafter in the exercise of such authority, unless the Three Powers shall by common accord otherwise declare; and his successor shall be duly elected according to the laws and customs of Samoa.

#### ARTICLE II.

*A Declaration respecting the modification of existing treaties, and the assent of the Samoan Government to this Act.*

Considering that the following provisions of this General Act can not be fully effective without a modification of certain provisions of the treaties heretofore existing between the Three Powers, respectively, and the Government of Samoa, it is mutually declared that in every case where the provisions of this Act shall be inconsistent with any provision of such treaty or treaties, the provisions of this Act shall prevail.

Considering further, that the consent of the Samoan Government is requisite to the validity of the stipulations hereinafter contained, the Three Powers mutually agree to request the assent of the Samoan Government to the same, which, when given, shall be certified in writing to each of the Three Governments through the medium of their respective Consuls in Samoa.



## ARTICLE III.

*A Declaration respecting the establishment of a Supreme Court of Justice for Samoa and defining its jurisdiction.*

## Section 1.

A Supreme Court shall be established in Samoa to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a Clerk and a Marshal of the Court; and record shall be kept of all orders and decisions made by the Court, or by the Chief Justice in the discharge of any duties imposed on him under this Act. The Clerk and Marshal shall be allowed reasonable fees to be regulated by order of the Court.

## Section 2.

With a view to secure judicial independence and the equal consideration of the rights of all parties, irrespective of nationality, it is agreed that the Chief Justice shall be named by the Three Signatory Powers in common accord; or, failing their agreement, he may be named by the King of Sweden and Norway. He shall be learned in law and equity, of mature years, and of good repute for his sense of honour, impartiality and justice.

His decision upon questions within his jurisdiction shall be final. He shall be appointed by the Samoan Government upon the certificate of his nomination as herein provided. He shall receive an annual salary of six thousand dollars (\$6000<sup>00</sup>) in gold, or its equivalent, to be paid the first year in equal proportions by the Three Treaty Powers, and afterward out of the revenues of Samoa apportioned to the use of the Samoan Government, upon which his compensation shall be the first charge. Any deficiency therein shall be made good by the Three Powers in equal shares.

The powers of the Chief Justice, in case of a vacancy of that office from any cause, shall be exercised by the President of the Municipal Council, until a successor shall be duly appointed and qualified.

## Section 3.

In case either of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be presented to the authority which nominated him, and, if in the judgment of such authority there is sufficient cause for his removal, he shall be removed. If the majority of the Three Treaty Powers so request, he shall be removed. In either case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as herein before provided.

## Section 4.

The Supreme Court shall have jurisdiction of all questions arising under the provisions of this General Act; and the decision or order of the Court thereon shall be conclusive upon all residents of Samoa. The Court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

## Section 5.

The Chief Justice is authorized at his own discretion, and required upon written request of either party litigant, to appoint assessors, one of the nationality of each litigant, to assist the court, but without voice in the decision.

## Section 6.

In case any question shall hereafter arise in Samoa respecting the rightful election or appointment of King or of any other Chief claiming authority over the Islands; or respecting the validity of the powers which the King or any Chief may claim in the exercise of his office, such question shall not lead to war but shall be presented for decision to the Chief Justice of Samoa, who shall decide it in writing, conformably to the provisions of this Act and to the laws and customs of Samoa not in conflict therewith; and the Signatory Governments will accept and abide by such decision.

## Section 7.

In case any difference shall arise between either of the Treaty Powers and Samoa which they shall fail to adjust by mutual accord, such difference shall not be held cause for war, but shall be referred for adjustment on the principles of justice and equity to the Chief Justice of Samoa, who shall make his decision thereon in writing.

## Section 8.

The Chief Justice may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime and for the promotion of good order in Samoa outside the Municipal District and for the collection of taxes without the District.

## Section 9.

Upon the organization of the Supreme Court there shall be transferred to its exclusive jurisdiction

1. All civil suits concerning real property situated in Samoa and all rights affecting the same.
2. All civil suits of any kind between natives and foreigners or between foreigners of different nationalities.
3. All crimes and offences committed by natives against foreigners or committed by such foreigners as are not subject to any consular jurisdiction; subject however to the provisions of section 4 Article V defining the jurisdiction of the Municipal Magistrate of the District of Apia.

## Section 10.

The practice and procedure of Common Law, Equity and Admiralty, as administered in the courts of England, may be—so far as applicable—the practice and procedure of this Court; but the Court may modify such practice and procedure from time to time as shall be required by local circumstances. The Court shall have authority to impose, according to the crime, the punishment established therefor by the laws of the United States, of England, or of Germany, as the Chief Justice shall decide most appropriate; or, in the case of Native Samoans and other Natives of the South Sea Islands, according to the laws and customs of Samoa.

## Section 11.

Nothing in this article shall be so construed as to affect existing consular jurisdiction over all questions arising between masters and seamen of their respective national vessels; nor shall the Court take any ex post facto or retroactive jurisdiction over crimes or offences committed prior to the organization of the Court.

## ARTICLE IV.

*A Declaration respecting titles to land in Samoa and restraining the disposition thereof by natives; and providing for the investigation of claims thereto, and for the registration of valid titles.*

## Section 1.

In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the Islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage or otherwise shall be prohibited, subject to the following exceptions:

- (a) Town lots and lands within the limits of the Municipal District as defined in this Act may be sold or leased by the owner for a just consideration when approved in writing by the Chief Justice of Samoa;
- (b) Agricultural lands in the Islands may be leased for a just consideration and with carefully defined boundaries for a term not exceeding forty (40) years when such lease is approved in writing by the Chief Executive Authority of Samoa and by the Chief Justice.

But care should be taken that the agricultural lands and natural fruit lands of Samoans shall not be unduly diminished.

## Section 2.

In order to adjust and settle all claims by aliens of titles to land or any interest therein in the Islands of Samoa, it is declared that a Commission shall be appointed to consist of three (3) impartial and competent persons, one to be named by each of the Three Treaty Powers; to be assisted by an officer to be styled "Natives' Advocate", who shall be appointed by the Chief-Executive of Samoa with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service, a compensation at the rate of three hundred dollars per month and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice) shall also be paid, one third by each of the Treaty Powers.

The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner.

## Section 3.

It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim and all written evidence thereof, within four months from such notice for the purpose of examination and registration; and that all claims not so presented will be held invalid and forever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has after due diligence been unable to produce the same within the period aforesaid. This notice shall be published in Samoa in the German, English and Samoan Languages as directed by the Commission.

The labours of the Commission shall be closed in two years, and sooner if practicable.

## Section 4.

It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity.

They shall especially report

- (a) whether the sale or disposition was made by the rightful owner or native entitled to make it.
- (b) Whether it was for a sufficient consideration.
- (c) The identification of the property affected by such sale or disposition.

## Section 5.

The Commission whenever the case requires it shall endeavour to effect a just and equitable compromise between litigants. They shall also report to the Court whether the alleged title should be recognized and registered or rejected, in whole or in part, as the case may require.

## Section 6.

All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

Undisputed claims and such as shall be decided valid by the unanimous voice of the Commission shall be confirmed by the Court in proper form in writing, and be entered of record.

## Section 7.

The Court shall make provision for a complete registry of all valid titles to land in the Islands of Samoa which are or may be owned by foreigners.

## Section 8.

All lands acquired before the 28<sup>th</sup> day of August 1879—being the date of the Anglo-Samoan Treaty—shall be held as validly acquired,—but without prejudice to rights of third parties,—if purchased from

Samoans in good faith, for a valuable consideration, in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court.

#### Section 9.

The undisputed possession and continuous cultivation of lands by aliens for ten years or more, shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

#### Section 10.

In cases where land acquired in good faith has been improved or cultivated upon a title which is found to be defective, the title may be confirmed in whole or in part upon the payment by the occupant to the person or persons entitled thereto of an additional sum to be ascertained by the Commission and approved by the Court as equitable and just.

#### Section 11.

All claims to land, or any interest therein, shall be rejected and held invalid in the following cases:

- (a) Claims based upon mere promises to sell, or options to buy.
- (b) Where the deed, mortgage or other conveyance contained at the time it was signed no description of the land conveyed sufficiently accurate to enable the Commission to define the boundaries thereof.
- (c) Where no consideration is expressed in the conveyance, or if expressed has not been paid in full to the grantor, or if the consideration at the time of the conveyance was manifestly inadequate and unreasonable.
- (d) Where the conveyance whether sale, mortgage or lease was made upon the consideration of a sale of firearms or munitions of war, or upon the consideration of intoxicating liquors, contrary to the Samoan law of October 25. 1880, or contrary to the Municipal regulations of January 1. 1880.

#### Section 12.

The Land Commission may at its discretion through the Local Government of the District in which the disputed land is situated appoint a native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission to be by them reported to the Court.

### ARTICLE V.

*A Declaration respecting the Municipal District of Apia, providing a local administration therefor, and defining the jurisdiction of the Municipal Magistrate.*

#### Section 1.

The Municipal District of Apia is defined as follows: beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa; thence following the course of the river

upon the basis of the principle of equality of representation and the principle of representation by population. The Council shall be composed of a number of members to be determined by the Council, and the Council shall have the power to elect or remove any member of the Council.

## Section 2.

The Council shall be composed of a number of members to be determined by the Council, and the Council shall have the power to elect or remove any member of the Council.

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## Section 3.

The Municipal Council shall have jurisdiction over the Municipal District of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to said District, including the appointment of a Municipal Magistrate and of the necessary subordinate officers of justice and of administration therein; and to provide for the security in said District of person and property, for the assessment and collection of the revenues therein as herein authorized; and to provide proper fines and penalties for the violation of the laws and ordinances which shall be in force in said District and not in conflict with this Act, including sanitary and police regulations. They shall establish pilot charges, port dues, quarantine and other regulations of the port of Apia, and may establish a local postal system. They shall



also fix the salary of the Municipal Magistrate and establish the fees and charges allowed to other civil officers of the District, excepting Clerk and Marshal of the Supreme Court.

All ordinances, resolutions and regulations passed by this Council before becoming law shall be referred to the Consular Representatives of the Three Treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such regulations or suggest such amendments as may be unanimously deemed necessary by them.

Should the Consular Board not be unanimous in approving the regulations referred to them, or should the amendments unanimously suggested by the Consular Board not be accepted by a majority of the Municipal Council, then the regulations in question shall be referred for modification and final approval to the Chief Justice of Samoa.

#### Section 4.

The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons irrespective of nationality in case of infraction of any law, ordinance, or regulation passed by the Municipal Council in accordance with the provisions of this Act, provided that the penalty does not exceed a fine of two hundred dollars or imprisonment for a longer term than 180 days.

In cases where the penalty imposed by the Municipal Magistrate shall exceed a fine of twenty dollars or a term of ten days imprisonment an appeal may be taken to the Supreme Court.

#### Section 5.

The President of the Municipal Council shall be a man of mature years, and of good reputation for honour, justice and impartiality. He shall be agreed upon by the Three Powers; or, failing such agreement, he shall be selected from the nationality of Sweden, The Netherlands, Switzerland, Mexico or Brazil, and nominated by the Chief-Executive of the nation from which he is selected, and appointed by the Samoan Government upon certificate of such nomination.

He may act under the joint instruction of the Three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this General Act, and shall apply himself to the promotion of the peace, good order and civilization of Samoa. He may advise the Samoan Government when occasion requires, and shall give such advice when requested by the King, but always in accordance with the provisions of this Act, and not to the prejudice of the rights of either of the Treaty Powers.

He shall receive an annual compensation of five thousand dollars (\$5000<sup>00</sup>), to be paid the first year in equal shares by the Three Treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the Municipality, upon which his salary shall be the first charge.

He shall be the Receiver and Custodian of the revenues accruing under the provisions of this Act, and shall render quarterly reports of his receipts and disbursements to the King, and to the Municipal Council.

He shall superintend the Harbour and Quarantine regulations, and shall, as the chief executive officer be in charge of the administration of the laws and ordinances applicable to the Municipal District of Apia.

Section 6.

The Chief Justice shall, immediately after assuming the duties of his office in Samoa, make the proper order or orders for the election and inauguration of the local government of the Municipal District, under the provisions of this Act. Each Member of the Municipal Council, including the President, shall, before entering upon his functions, make and subscribe before the Chief Justice an oath, or affirmation that he will well and faithfully perform the duties of his office.

ARTICLE VI.

*A Declaration respecting Taxation and Revenue in Samoa.*

Section 1.

The port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares and merchandize landed on the Islands shall be there entered for examination: but coal and naval stores which either Government has by treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorized by such treaty, and may be there landed as stipulated without such entry or examination.

Section 2.

To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the Islands, the following duties, taxes and charges may be levied and collected, without prejudice to the right of the native government to levy and collect other taxes in its discretion upon the natives of the Islands and their property, and with the consent of the Consuls of the Signatory Powers upon all property outside the Municipal District, provided such tax shall bear uniformly upon the same class of property, whether owned by natives or foreigners.

A. Import Duties.

	Doll. c.
1. On Ale and Porter and Beer per dozen quarts.....	—, 50
2. On Spirits, per Gallon.....	2. 50
3. On Wine except sparkling, per Gallon.....	1. —
4. On Sparkling Wines per Gallon.....	1. 50
5. On Tobacco per lb.....	—, 50
6. On Cigars per lb.....	1. —
7. On Sporting arms, each.....	4. —
8. On Gunpowder per lb.....	—, 25
9. Statistical duty on all merchandize and goods imported, except as aforesaid, ad valorem.....	2 p. c.

B. Export Duties.

on copra	{ ad valorem .....	{ 2½ p. c.
on cotton		
on coffee		
		{ 1½ p. c.
		{ 2 p. c.

C. Taxes to be annually levied.

	Doll. c.
1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2, per head .....	1.—
2. Capitation tax on coloured plantation labourers, other than Samoans, per head .....	2.—
3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property) each.....	4.—
4. On firearms, each .....	2.—
5. On dwelling houses (not including the dwelling houses of Samoan natives) and on land and houses used for commercial purposes, ad valorem.....	1. p. c.
6. Special taxes on traders as follows:	
Class I.	Doll. c.
On stores of which the monthly sales are \$2000 or more, each store .....	100.—
Class II.	
Below \$2000 and not less than \$1000.....	48.—
Class III.	
Below \$1000 and not less than \$500.....	36.—
Class IV.	
Below \$500 and not less than \$250.....	24.—
Class V.	
Below \$250 .....	12.—

D. Occasional taxes.

1. On trading vessels exceeding 100 tons burden, calling at Apia, at each call .....	10.—
2. Upon deeds of real estate, to be paid before registration thereof can be made, and, without payment of which, title shall not be held valid, upon the value of the consideration paid.....	$\frac{1}{2}$ p. c.
3. Upon other written transfers of property, upon the selling price .....	1 p. c.
Evidence of the payment of the last two taxes may be shown by lawful stamps affixed to the title paper, or otherwise by the written receipt of the proper tax collector.	
4. Unlicensed butchers in Apia shall pay upon their sales....	1 p. c.

E. License taxes.

No person shall engage as proprietor or manager in any of the following professions or occupations except after having obtained a License therefor, and for such License the following tax shall be paid in advance:

	Doll.
Tavern Keeper .....	10 per month.
Attorney, barrister or Solicitor .....	60 per annum.
Doctor of Medicine or dentistry .....	30 " "
Auctioneer or commission agent.....	40 " "
Baker .....	12 " "
Banks or companies for banking .....	60 " "
Barber.....	6 " "
Blacksmith.....	5 " "
Boat Builder .....	6 " "

	Doll.	
Butcher.....	12	per annum.
Cargo-boat or lighter .....	6	“ “
Carpenter .....	6	“ “
Photographer or Artist.....	12	“ “
Engineer.....	12	“ “
“ assistants.....	6	“ “
“ apprentices .....	3	“ “
Hawker .....	1	“ “
Pilot.....	24	“ “
Printing press.....	12	“ “
Sail maker .....	6	“ “
Ship builder .....	6	“ “
Shoemaker .....	6	“ “
Land Surveyor .....	6	“ “
Tailor .....	6	“ “
Waterman .....	6	“ “
Salesmen, bookkeepers, clerks, paid not less than \$75 a month .....	3	“ “
Same when paid over \$75 a month .....	6	“ “
White labourers and domestics per head.....	5	“ “
Factory hands and independent workmen.....	5	“ “

### Section 3.

Of the revenues paid into the Treasury the proceeds of the Samoan capitation tax, of the license taxes paid by native Samoans, and of all other taxes which may be collected without the Municipal District, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the Municipal District exclusively, shall be held for the use and paid out upon the order of the Municipal Council to meet the expenses of the Municipal Administration as provided by this Act.

### Section 4.

It is understood that “Dollars” and “Cents”, terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.

## ARTICLE VII.

*A declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use.*

### Section 1.

#### Arms and ammunition.

The importation into the Islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited except in the following cases:

- (a) Guns and ammunition for sporting purposes, for which written license shall have been previously obtained from the President of the Municipal Council.

(b) Small arms and ammunition carried by travellers as personal appanage.

The sale of arms and ammunition by any foreigner to any native Samoan subject or other Pacific Islander resident in Samoa is also prohibited.

Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order; but all such arms and ammunition shall be entered at the Customs (without payment of duty) and reported by the President of the Municipal Council to the Consuls of the Three Treaty Powers.

The Three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of firearms in Samoa.

## Section 2.

### Intoxicating Liquors.

No spirituous, vinous or fermented liquors, or intoxicating drinks whatever, shall be sold, given or offered to any native Samoan, or South Sea Islander resident in Samoa, to be taken as a beverage.

Adequate penalties, including imprisonment, for the violation of the provisions of this Article shall be established by the Municipal Council for application within its jurisdiction; and by the Samoan Government for all the Islands.

## ARTICLE VIII.

### *General Dispositions.*

#### Section 1.

The provisions of this Act shall continue in force until changed by consent of the Three Powers. Upon the request of either Power after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime any special amendment may be adopted by the consent of the Three Powers with the adherence of Samoa.

#### Section 2.

The present General Act shall be ratified without unnecessary delay, and within the term of ten months from the date of its signature.

In the meantime the Signatory Powers respectively engage themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each Power further engages itself to give effect in the meantime to all provisions of this Act which may be within its authority prior to the final ratification.

Ratifications shall be exchanged by the usual diplomatic channels of communication.

The assent of Samoa to this General Act shall be attested by a certificate thereof signed by the King and executed in triplicate, of which

one copy shall be delivered to the Consul of each of the Signatory Powers at Apia for immediate transmission to his Government.

Done in triplicate at Berlin this fourteenth day of June one thousand eight hundred and eighty nine.

JOHN A: KASSON  
W<sup>m</sup>. WALTER PHELPS.  
GEO. II. BATES  
H. BISMARCK  
HOLSTEIN.  
R KRAUEL.  
EDWARD B MALET  
CHARLES S: SCOTT  
J. A. CROWE

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## SARDINIA.

1838.

### TREATY OF COMMERCE AND NAVIGATION.

*Concluded November 26, 1838; ratification advised by the Senate March 2, 1839; ratified by the President March 8, 1839; ratifications exchanged March 18, 1839; proclaimed March 18, 1839. (Treaties and Conventions, 1889, p. 974.)*

This treaty of twenty articles and a separate article was superseded by the Treaty of 1871 with Italy, (p. 309) Sardinia having become merged into that Kingdom.



# SAXONY.

(SEE GERMAN EMPIRE.)

1845.

## CONVENTION ABOLISHING DROIT D'AUBAINE AND EMIGRATION TAXES.

*Concluded May 14, 1845; ratification advised by the Senate, with amendment, April 15, 1846; ratified by the President April 22, 1846; ratifications exchanged August 12, 1846; proclaimed September 9, 1846. (Treaties and Conventions, 1889, p. 981:)*

### ARTICLES.

- |   |                                  |
|---|----------------------------------|
| I. Taxes abolished.                       | V. Suits.                        |
| II. Disposal of real property.            | VI. Extent of treaty provisions. |
| III. Disposal of personal property.       | VII. Ratification.               |
| IV. Protection of rights of absent heirs. |                                  |

The united States of America on the one part and His Majesty the King of Saxony on the other part being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiations for this purpose.

For the attainment of this desirable object the President of the United States of America has conferred full powers on

Henry Wheaton their Envoy extraordinary and Minister plenipotentiary at the Court of His Majesty the King of Prussia, and His Majesty the King of Saxony upon

John DeMinckwitz, his Minister of State, Lieutenant-General, Envoy extraordinary and Minister plenipotentiary at the said Court, who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

### ART: 1.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction, or tax on Emigration, is hereby and shall remain abolished, between the two contracting Parties, their states, citizens and subjects respectively.

### ART: 2.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage,—or where such real property has been devised by last will and testament to such citizen or subject, he shall be allowed a term of two years from the death of such person, which term may be reasonably prolonged according to circumstances,—to sell the same and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction on the part of the Government of the respective states.

## ART: 3.

The citizens or subjects of Each of the contracting Parties shall have power to dispose of their personal property within the states of the other, by testament, donation or otherwise, and their heirs, being citizens or subjects of the other contracting Party, shall succeed to their said personal property, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country, where the said property lies, shall be liable to pay in like cases.

## ART: 4.

In case of the absence of the heirs, the same care shall be taken provisionally of such real or personal property, as would be taken, in a like case, of the property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to article 2, may take measures to receive or dispose of the inheritance.

## ART: 5.

If any dispute should arise between the different claimants to the same inheritance, they shall be decided, according to the laws and by the judges of the country where the property is situated.

## ART: 6.

All the stipulations of the present convention shall be obligatory in respect to property, already inherited, devised, or bequeathed, but not yet withdrawn from the country where the same is situated, at the signature of this convention.

## ART: 7.

This convention shall be ratified by the President of the united States of America, by and with the advice and consent of their Senate, and by His Majesty the King of Saxony and the ratifications shall be exchanged at Berlin within the term of eighteen months, from the date of the signature or sooner if possible.

In faith of which, the respective Plenipotentiaries have signed the above Articles, both in German and English, and have thereto affixed their seals.

Done in triplicata in the city of Berlin, on the 14<sup>th</sup> of May, in the year of our Lord one thousand eight hundred and forty five and the sixty ninth of the Independence of the United States of America.

HENRY WHEATON

[SEAL.]

MINCKWITZ

[SEAL.]

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## SCHAUMBURG-LIPPE.

(SEE GERMAN EMPIRE.)

The Principality of Schaumburg-Lippe, June 7, 1854, acceded to the Extradition Convention concluded with Prussia and other German States, June 16, 1852, and the additional article of November 16, 1852. See page 520.

# SERBIA.

1881.

## CONVENTION OF COMMERCE AND NAVIGATION.

*Concluded October 14, 1881; ratification advised by the Senate July 5, 1882; ratified by the President July 14, 1882; ratifications exchanged November 15, 1882; proclaimed December 27, 1882. (Treaties and Conventions, 1889, p. 984.)*

### ARTICLES.

- |  |                                 |
|--|---------------------------------|
| I. Freedom of commerce, navigation, and trade. | VII. Freedom of imports.        |
| II. Rights of real and personal property.      | VIII. Transit of goods.         |
| III. Trade privileges.                         | IX. Ad valorem duties.          |
| IV. Exemptions, etc.                           | X. Exceptions of local traffic. |
| V. Prohibitions of imports, etc., restricted.  | XI. Freight on railways.        |
| VI. Import and export duties.                  | XII. Trade-marks.               |
|  | XIII. Shipping charges.         |
|  | XIV. Duration.                  |
|  | XV. Ratification.               |

The United States of America and His Highness the Prince of Serbia, animated by the desire of facilitating and developing the commercial relations established between the two countries, have determined with this object to conclude a Treaty, and have named as their respective plenipotentiaries, viz:

The United States of America, Eugene Schuyler, their Chargé d'affaires and Consul General at Bucarest;

His Highness, the Prince of Serbia, Monsieur Ched. Mijatovitch, His Minister of Foreign Affairs, Grand Officer of His Order of Takova, &c. &c. &c.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

### ARTICLE I

There shall be reciprocally full and entire liberty of commerce and navigation between the citizens and subjects of the two High Contracting Powers, who shall be at liberty to establish themselves freely in each other's territory.

Citizens of the United States in Serbia and Serbian subjects in the United States shall reciprocally, on conforming to the laws of the country, be at liberty freely to enter, travel or reside in any part of the respective territories, to carry on their business, and shall enjoy in this respect for their persons and property the same protection as that enjoyed by natives or by the subjects of the most favoured nation.

They shall be at liberty to exercise their industry and trade both by wholesale and by retail in the whole extent of both territories, without being subjected as to their persons or property, or with regard to the

exercise of their trade or business to any taxes, whether general or local, or to any imposts or conditions of any kind other or more onerous than those which are or may be imposed upon natives or upon the subjects of the most favoured nation.

In like manner in all that relates to local taxes, customs formalities, brokerage, patterns or samples introduced by commercial travellers, and all other matters connected with trade, citizens of the United States in Serbia and Serbian subjects in the United States shall enjoy the treatment of the most favoured nation, and all the rights, privileges, exemptions and immunities of any kind enjoyed with respect to commerce and industry by the citizens or subjects of the High Contracting Parties, or which are or may be hereafter conceded to the subjects of any third power, shall be extended to the citizens or subjects of the other.

## ARTICLE II.

In all that concerns the right of acquiring, possessing, or disposing of every kind of property, real or personal, citizens of the United States in Serbia and Serbian subjects in the United States, shall enjoy the rights which the respective laws grant or shall grant in each of these states to the subjects of the most favoured nation.

Within these limits, and under the same conditions as the subjects of the most favoured nation, they shall be at liberty to acquire and dispose of such property, whether by purchase, sale, donation, exchange, marriage contract, testament, inheritance, or in any other manner whatever, without being subject to any taxes, imposts, or charges whatever other or higher than those which are or shall be levied on natives or on the subjects of the most favoured state.

They shall likewise be at liberty to export freely the proceeds of the sale of their property, and their goods in general, without being subjected to pay any other or higher duties than those payable under similar circumstances by natives or by the subjects of the most favoured state.

## ARTICLE III.

Merchants, manufacturers, and trades people in general of one of the two contracting countries travelling in the other, or sending thither their clerks and agents,—whether with or without samples—in the exclusive interest of the commerce or industry that they carry on, and for the purpose of making purchases or sales, or receiving commissions, shall be treated with regard to their licences, as the merchants, manufacturers and trades people of the most favoured nation.

It is understood, however, that the preceding stipulations do not affect in any way the laws and regulations in force in each of the two countries applicable to all foreigners as respects peddling and hawking.

The citizens and subjects of the Contracting Parties shall be reciprocally treated as the natives of the country, or as the subjects of the most favoured nation, when they shall go from one country to the other to visit fairs and markets for the purpose of exercising their commerce and selling their products.

No obstacle shall be placed in the way of the free movements of travellers, and the administrative formalities relative to travelling passports shall be restricted to the strict necessities of the public service on passing the frontiers.

## ARTICLE IV.

Citizens of the United States in Serbia and Serbian subjects in the United States shall be reciprocally exempted from all personal service, whether in the army by land or by sea, whether in the national guard or militia, from billeting, from all contributions, whether pecuniary or in kind, destined as a compensation for personal service, from all forced loans, and from all military exactions or requisitions.

The liabilities, however, arising out of the possession of real property and for military loans and requisitions to which all the natives might be called upon to contribute as proprietors of real property or as farmers, shall be excepted.

They shall be equally exempted from all obligatory official, judicial, administrative or municipal functions whatever.

They shall have reciprocally free access to the courts of justice on conforming to the laws of the country, both for the prosecution and for the defence of their rights in all the degrees of jurisdiction established by the laws. They can employ in every case advocates, lawyers and agents of all classes authorized by the law of the country, and shall enjoy in this respect, and as concerns domiciliary visits to their houses, manufactories, warehouses, or shops, the same rights and advantages as are or shall be granted to the natives of the country, or to the subjects of the most favoured nation.

It is understood that every favour or exemption which shall be subsequently granted in this matter to the subjects of a foreign country by one of the two Contracting Powers shall be immediately and by right extended to the citizens or subjects of the other Party.

## ARTICLE V.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not be applicable at the same time to all other nations, except the special measures that the two countries reserve to themselves the right of establishing for a sanitary purpose, or in event of a war.

## ARTICLE VI.

As to the amount, the guarantee and the collection of duties on imports and exports, as well as regards transit, re-exportation, warehousing, local dues, and custom-house formalities, each of the two High Contracting Parties binds itself to give to the other the advantage of every favour, privilege or diminution in the tariffs on the import or export of the articles mentioned or not in the present convention, that it shall have granted to a third power. Also every favour or immunity which shall be later granted to a third power shall be immediately extended and without condition, and by this very fact to the other Contracting Party.

## ARTICLE VII.

The products of the soil or of the industry of Serbia which shall be imported into the United States of America, and the products of the soil or of the industry of the United States which shall be imported into Serbia, and which shall be destined for consumption in the

country, for warehousing, for re-exportation, or for transit, shall be subjected to the same treatment, and shall not be liable to other or higher duties than the products of the most favoured nation.

#### ARTICLE VIII.

Merchandise of every kind coming from one of the two territories or going thither shall be reciprocally exempted in the other from every transit duty, whether it pass directly through the country, or whether during the transit it shall be unloaded, stored, and reloaded, without prejudice to the special regulations which, conformably to Article V, may be established concerning gunpowder and arms of war.

#### ARTICLE IX.

As concerns the custom-house laws and regulations on goods subjected to *ad valorem* duty, the importers and the products of one of the two countries shall be in all respects treated in the other as the importers and products of the most favoured country.

#### ARTICLE X.

The provisions of the preceding articles relative to the treatment in all respects like the subjects of the most favoured state shall not affect the special facilities which have been or may be hereafter conceded on the part of one of the two states to neighboring states with respect to the local traffic between the conterminous frontier districts.

#### ARTICLE XI.

It is agreed that, as regards freight and all other facilities, goods of the United States conveyed over Serbian railways, and Serbian goods conveyed over railways of the United States, shall be treated in exactly the same manner as the goods of any other nation the most favoured in that respect.

#### ARTICLE XII

The High Contracting Parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens and subjects, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandise to show its origin and quality shall be strictly prohibited and repressed and shall give ground for an action of damages in favour of the injured parties to be prosecuted in the Courts of the country in which the counterfeit shall be proven.

The trademarks in which the citizens or subjects of one of the two countries may wish to secure the right of property in the other, must be registered exclusively, to wit: the marks of citizens of the United States in the Tribunal of Commerce at Belgrade, and the marks of Serbian subjects in the Patent Office at Washington, subject to the conditions and restrictions prescribed by the laws and regulations of the country in which the trademarks are registered.

#### ARTICLE XIII.

Ships of the United States and their cargoes shall in Serbia, and Serbian ships and their cargoes shall in the United States, from whatsoever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as the ships and cargoes of the most favoured state.



The preceding stipulation applies to local treatment, dues and charges in the ports, basins, docks, roadsteads, harbours and rivers of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects, or any other privilege in matters of navigation which either of the Contracting Parties shall grant to a third power shall be extended immediately and unconditionally to the other party.

#### ARTICLE XIV

The present treaty shall remain in force for ten years from the day of the exchange of ratifications, and if twelve months before the expiration of that period neither of the High Contracting Parties shall have announced to the other its intention to terminate the said treaty, it shall remain obligatory until the expiration of one year from the day when either of the High Contracting Parties shall have denounced it.

The preceding stipulations shall come into force in the two countries one month after the exchange of ratifications.

#### ARTICLE XV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Highness the Prince of Serbia, and the ratifications shall be exchanged at Belgrade as soon as possible.

In faith whereof the Plenipotentiaries of the two High Contracting Parties have signed the present treaty in duplicate in the English and Serbian languages, and thereto affixed their respective seals.

Done in duplicate at Belgrade this 14 day of October, 1881.

EUGENE SCHUYLER

[SEAL.]

CH. MIJATOVICH

[SEAL.]

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1881.

#### CONSULAR CONVENTION.

*Concluded October 14, 1881; ratification advised by the Senate July 5, 1882; ratified by the President July 14, 1882; ratifications exchanged November 15, 1882; proclaimed December 27, 1882. (Treaties and Conventions, 1889, p. 988.)*

#### ARTICLES.

- |  |                                       |
|--|---------------------------------------|
| I. Consular officers.                      | VII. Acting officers.                 |
| II. Exequaturs.                            | VIII. Vice-consuls and agents.        |
| III. Exemptions.                           | IX. Correspondence with authorities.  |
| IV. Testimony by consular officers.        | X. Notarial services.                 |
| V. Arms and flag.                          | XI. Estates of deceased persons.      |
| VI. Inviolability of archives and offices. | XII. Surrender of certain privileges. |
|  | XIII. Duration; ratification.         |

The President of the United States of America and His Highness the Prince of Serbia, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two countries, as

well as their functions and obligations, have resolved to conclude a consular convention, and have accordingly named as their plenipotentiaries:

The President of the United States, Eugene Schuyler, Chargé d'Affaires and Consul General of the United States at Bucarest;

His Highness the Prince of Serbia, Monsieur Ched. Mijatovitch, His Minister of Foreign Affairs, Grand Officer of His Order of Takova, &c. &c. &c.

Who, after having communicated to each other their respective full powers, found to be in good and proper form have agreed upon the following articles:

#### ARTICLE I.

Each of the High Contracting Parties agrees to receive from the other, consuls-general, consuls, vice-consuls and consular agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the High Contracting Parties without also applying to every other power.

#### ARTICLE II

The consuls-general, consuls, vice-consuls and consular agents of the two High Contracting Parties shall enjoy reciprocally, in the states of the other, all the privileges, exemptions, and immunities that are enjoyed by officers of the same rank and quality of the most favoured nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The Government of each of the two High Contracting Powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument, they shall be permitted to enjoy the rights, privileges and immunities granted by this convention.

#### ARTICLE III.

Consuls-general, consuls, vice-consuls and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, State or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions. This exemption shall not, however, apply to consuls-general, consuls, vice-consuls or consular agents engaged in any profession, business, or trade; but said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

#### ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul or consular agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request

him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favour, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Serbia, in the like cases.

#### ARTICLE V.

Consuls-general, consuls, vice-consuls and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice-Consulate, or Consular Agency of the United States or of Serbia.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

#### ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

#### ARTICLE VII.

In the event of the death, incapacity or absence of consuls-general, consuls, vice-consuls and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington or to the Ministry of Foreign Affairs in Serbia, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

#### ARTICLE VIII.

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction. These agents may be selected from among citizens of the United States or of Serbia, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exception specified in Articles 3 and 4.

#### ARTICLE IX.

Consuls-general, consul, vice-consuls and consular agents shall have the right to address the administrative and judicial authorities, whether in the United States of the Union, the States or the municipalities, or in Serbia, of the State or the commune, throughout the

whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Serbia, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

#### ARTICLE X.

Consuls-general, consuls, vice-consuls and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated, or to business to be transacted, in the territory of the nation to which the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies, or in translation, duly authenticated and legalized by the consuls-general, consuls, vice-consuls and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Serbia.

#### ARTICLE XI.

In the case of the death of any citizen of the United States in Serbia, or of a Serbian subject in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall give information of the circumstance to the Consuls or Consular agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to the parties interested.

Consuls-generals, consuls, vice-consuls and consular agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs or creditors until they are duly represented.

#### ARTICLE XII.

In consideration of the present convention the United States consent to surrender the privileges and immunities hitherto enjoyed by their citizens in Serbia, in virtue of the Capitulations with the Ottoman Empire, granted and confirmed to the United States by their treaties of 1830<sup>1</sup> and 1862.<sup>2</sup>

Provided always, and it is hereby agreed, that the said Capitulations shall, as regards all judicial matters, except those affecting real estate in Serbia, remain in full force as far as they concern the mutual relations between citizens of the United States and the subjects of those other powers which, having a right to the privileges and immunities accorded by the aforesaid Capitulations, shall not have abandoned them.

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<sup>1</sup> See p. 474.

<sup>2</sup> See p. 477.

## ARTICLE XIII.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Belgrade as soon as possible.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective plenipotentiaries have signed this convention in duplicate, and have hereunto affixed their seals.

Done at Belgrade this  $\frac{14}{14}$  day of October, 1881.

EUGENE SCHUYLER

[SEAL.]

CH. MIJATOVICH

[SEAL.]

# SIAM.

1833.

## CONVENTION OF AMITY AND COMMERCE.

*Concluded March 20, 1833; ratification advised by the Senate June 30, 1834; ratified by the President; ratifications exchanged April 14, 1836; proclaimed June 24, 1837. (Treaties and Conventions, 1889, p. 992.)*

(The provisions of this treaty were modified by the Treaty of 1856.)

### ARTICLES.

- |                                 |                            |
|---------------------------------|----------------------------|
| I. Peace.                       | VI. Settlement of debts.   |
| II. Freedom of trade, etc.      | VII. Trading in Siam.      |
| III. Shipping duties in Siam.   | VIII. Captures by pirates. |
| IV. Most favored nation duties. | IX. Laws of Siam.          |
| V. Shipwrecks.                  | X. Consuls in Siam.        |

His Majesty the Sovereign and Magnificent King in the City of Sia-Yut'hia has appointed the Chau Phaya-Phra-klang, one of the first Ministers of State, to treat with Edmund Roberts, Minister of the United States of America, who has been sent by the Government thereof, on its behalf, to form a treaty of sincere friendship and entire good faith between the two nations. For this purpose, the Siamese and the citizens of the United States of America shall, with sincerity, hold commercial intercourse in the ports of their respective nations as long as heaven and earth shall endure.

This treaty is concluded on Wednesday, the last of the fourth month of the year 1194, called Pi-marông-chat-tava-sók (or the year of the Dragon), corresponding to the twentieth day of March, in the year of our Lord 1833. One original is written in Siamese, the other in English; but as the Siamese are ignorant of English, and the Americans of Siamese, a Portuguese and a Chinese translation are annexed, to serve as testimony to the contents of the treaty. The writing is of the same tenor and date in all the languages aforesaid. It is signed, on the one part, with the name of the Chau P'haya-P'hra-klang, and sealed with the seal of the lotus flower, of glass; on the other part, it is signed with the name of Edmund Roberts, and sealed with a seal containing an eagle and stars.

One copy will be kept in Siam, and another will be taken by Edmund Roberts to the United States. If the Government of the United States shall ratify the said treaty and attach the seal of the Government, then Siam will also ratify it on its part, and attach the seal of its Government.

### ARTICLE I.

There shall be a perpetual peace between the United States of America and the Magnificent King of Siam.



## ARTICLE II.

The citizens of the United States shall have free liberty to enter all the ports of the Kingdom of Siam with their cargoes, of whatever kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the King, or others who may wish to purchase the same, or to barter the same for any produce or manufacture of the Kingdom, or other articles that may be found there. No prices shall be fixed by the officers of the King on the articles to be sold by the merchants of the United States, or the merchandise they may wish to buy, but the trade shall be free on both sides to sell or buy or exchange on the terms and for the prices the owners may think fit. Whenever the said citizens of the United States shall be ready to depart, they shall be at liberty so to do, and the proper officers shall furnish them with passports: *Provided always*, There be no legal impediment to the contrary. Nothing contained in this article shall be understood as granting permission to import and sell munitions of war to any person excepting to the King, who, if he does not require, will not be bound to purchase them; neither is permission granted to import opium, which is contraband, or to export rice, which cannot be embarked as an article of commerce. These only are prohibited.

## ARTICLE III.

[Provisions abolished by Treaty of 1856, p. 581.]

## ARTICLE IV.

If hereafter the duties payable by foreign vessels be diminished in favor of any other nation, the same diminution shall be made in favor of the vessels of the United States.

## ARTICLE V.

If any vessel of the United States shall suffer shipwreck on any part of the Magnificent King's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained at the expense of the King, until they shall find an opportunity to be returned to their country; and the property saved from such wreck shall be carefully preserved and restored to its owners; and the United States will repay all expenses incurred by His Majesty on account of such wreck.

## ARTICLE VI.

If any citizen of the United States, coming to Siam for the purpose of trade, shall contract debts to any individual of Siam, or if any individual of Siam shall contract debts to any citizen of the United States, the debtor shall be obliged to bring forward and sell all his goods to pay his debts therewith. When the product of such bona fide sale shall not suffice, he shall no longer be liable for the remainder, nor shall the creditor be able to retain him as a slave, imprison, flog, or otherwise punish him, to compel the payment of any balance remaining due, but shall leave him at perfect liberty.

## ARTICLE VII.

Merchants of the United States coming to trade in the Kingdom of Siam, and wishing to rent houses therein, shall rent the King's factories, and pay the customary rent of the country. If the said merchants bring their goods on shore, the King's officers shall take account thereof, but shall not levy any duty thereupon.

## ARTICLE VIII.

If any citizens of the United States, or their vessels, or other property, shall be taken by pirates and brought within the dominions of the Magnificent King, the persons shall be set at liberty, and the property restored to its owners.

## ARTICLE IX.

Merchants of the United States trading in the Kingdom of Siam shall respect and follow the laws and customs of the country in all points.

## ARTICLE X.

If hereafter any foreign nation other than the Portuguese shall request and obtain His Majesty's consent to the appointment of Consuls to reside in Siam, the United States shall be at liberty to appoint Consuls to reside in Siam, equally with such other foreign nation.

[SEAL.]

EDMUND ROBERTS.

Whereas the undersigned, Edmund Roberts, a citizen of Portsmouth, in the State of New Hampshire, in the United States of America, being duly appointed an envoy, by letters-patent, under the signature of the President and seal of the United States of America, bearing date at the city of Washington, the twenty-sixth day of January, A. D. 1832, for negotiating and concluding a treaty of amity and commerce between the United States of America and His Majesty the King of Siam:

Now know ye, that I, Edmund Roberts, Envoy as aforesaid, do conclude the foregoing treaty of amity and commerce, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at the royal city of Sia-Yuthia, (commonly called Bangkok,) on the twentieth day of March, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States of America the fifty-seventh.

[SEAL.]

EDMUND ROBERTS.

1856.

## TREATY OF AMITY AND COMMERCE.

*Concluded May 29, 1856; ratification advised by the Senate with amendment March 13, 1857; ratified by the President March 16, 1857; ratifications exchanged June 15, 1857; time for exchange of ratifications extended by the Senate June 15, 1858; proclaimed August 16, 1858. (Treaties and Conventions, 1889, p. 995.)*

## ARTICLES.

- |                                |  |
|--------------------------------|--|
| I. Amity; mutual assistance.   | VII. Privileges to ships of war in Siam. |
| II. Consul at Bangkok; powers. | VIII. Duties; trade, etc.                |
| III. Offenses in Siam.         | IX. Treaty regulations.                  |
| IV. Trade privileges in Siam.  | X. Most favored nation privileges.       |
| V. Americans in Siam.          | XI. Duration; revision.                  |
| VI. Religious freedom, etc.    | XII. Ratification.                       |

The President of the United-States of America, and their Majesties Phra-Bard, Somdetch, Phra-Paramendr, Maha, Mongkut, Phra, Chom, Klau, Chau, Yu, Hua, the first King of Siam, and Phra, Bard, Somdetch, Phra, Pawarendr, Ramesr, Mahiswaresr, Phra, Pin, Klau, Chau, Yu, Hua the Second King of Siam, desiring to establish upon firm and lasting foundations the relations of peace and friendship existing between the two Countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating and regulating their industry and trade have resolved to conclude a Treaty of Amity and Commerce for this purpose, and have therefore named as their Plenipotentiaries that is to say:

The President of the United States, Townsend Harris Esquire of New York, Consul-General of the United States of America for the Empire of Japan,

And their Majesties the First and Second Kings of Siam, His Royal Highness, the Prince Krom Illuang, Wongsas, Dhiraj, Snidh,

His Excellency Somdetch, Chau, Phaya, Param, Maha, Bijai, Neate, His Excellency Chau, Phaya, Sri, Suriwongse, Samuha, Phra, Kralahom,

His Excellency Chau, Phaya, Rawe, Wongee, Maha, Kosa, Dhipade, the Phra Klang,

His Excellency Chau, Phaya, Yomray, the Lord Mayor.

who after having communicated to each other their respective full powers and found them to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I. There shall henceforward be perpetual peace and friendship, between the United States, and their Majesties the First and Second Kings of Siam and their successors,

All American Citizens coming to Siam, shall receive from the Siamese Government full protection and assistance, to enable them to reside in Siam, in all security, and trade with every facility free from oppression or injury on the part of the Siamese. Inasmuch as Siam has no ships, trading to the ports of the United States, it is agreed that the ships of war of the United States shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done, without a breach of neutrality and all

American Consuls, residing at Ports, visited by Siamese vessels, shall also give them such friendly aid, as may be permitted by the laws of the respective countries in which they reside.

ARTICLE II. The interests of all American Citizens, coming to Siam, shall be placed under the regulations and control of a Consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American Citizens, of all the provisions of this Treaty, and such of the former Treaty, negotiated by Mr. Edmund Roberts in 1833, as shall still remain in operation. He shall also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American citizens in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any dispute arising between American Citizens and Siamese Subjects shall be heard and determined by the Consul in conjunction with the proper Siamese officers; and criminal offences will be punished in the case of American offenders, by the Consul, according to American laws, and in the case of Siamese offenders, by their own laws, through the Siamese Authorities. But the Consul shall not interfere in any matters, referring solely to Siamese, neither will the Siamese Authorities interfere in questions, which only concern the Citizens of the United States.

ARTICLE III. If Siamese in the employ of American Citizens, offend against the laws of their country, or if any Siamese having so offended, or desiring to desert, take refuge with American Citizens in Siam, they shall be searched for, and upon proof of their guilt or desertion, shall be delivered up, by the Consul, to the Siamese authorities. In like manner, any American Offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese Territory, shall be apprehended and delivered over, to the American Consul on his requisition.

ARTICLE IV. American Citizens are permitted to trade freely in all the Sea-ports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this Treaty.

American citizens coming to reside at Bangkok may rent land and buy or build houses, but cannot purchase land within a circuit of two hundred Seng (not more than four Miles English) from the citywalls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese Government to enable them to do so. But with the exception of this limitation, American Residents in Siam may at any time buy or rent houses, lands or plantations, situated anywhere within a distance of twenty four hours journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses, it will be necessary that the American Citizen shall, in the first place, make application through the Consul, to the proper Siamese Officer, and the Siamese Officer and the Consul having satisfied themselves of the honest intentions of the Applicant, will assist him in settling, upon equitable terms, the amount of the purchase money, will make out and fix the boundaries of the property, and will convey the same to the American Purchaser under sealed deeds, whereupon he and his property shall be placed under the protection of the Governor of the District, and that of the particular local Authorities: He shall conform in ordinary matters to any just direction given him by

them, and will be subject to the same taxation, that is levied on Siamese subjects. But if, through negligence, the want of capital, or other cause, an American citizen should fail to commence the cultivation, or improvements of the lands so acquired, within a term of three years from the date of receiving possession thereof, the Siamese government shall have the power of resuming the property, upon returning to the American Citizen the purchase money paid by him for the same.

ARTICLE V. [Stricken out by the Senate (Americans in Siam)].

ARTICLE VI. All American Citizens, visiting, or residing, in Siam, shall be allowed the free exercise of their religion; and liberty to build places of worship, in such localities as shall be consented to by the Siamese Authorities. The Siamese Government will place no restriction upon the employment, by the Americans, of Siamese subjects as servants, or in any other capacity. But wherever a Siamese Subject belongs or owes service to some particular master, the servant who engages himself to an American citizen without the consent of his master may be reclaimed by him, and the Siamese Government will not enforce an agreement between an American Citizen and any Siamese in his employ, unless made with the knowledge and consent of the master, who has a right to dispose of the services of the person engaged.

ARTICLE VII. American ships of war may enter the river and anchor at Paknam; but they shall not proceed above Paknam unless with the consent of the Siamese authorities which shall be given where it is necessary that a ship, shall go into Dock for repairs. Any American ship of war, conveying to Siam a public functionary, accredited by the American Government to the Court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the forts called Phrachamit and Pit-pach-nuck, unless expressly permitted to do so by the Siamese Government. But in the absence of an American ship of war, the Siamese authorities engage to furnish the Consul, with a force sufficient to enable him to give effect to his authority over American Citizens and to enforce discipline among American shipping

ARTICLE VIII The measurement duty hitherto paid by American vessels, trading to Bangkok, under the Treaty of 1833, shall be abolished from the date of this Treaty coming into operation, and American shipping or trade will thenceforth only be subject to the payment of Import and Export duties on the goods landed or shipped.<sup>1</sup>

On the articles of Import the duty shall be three per cent, payable at the option of the Importer, either in kind or money, calculated upon the marketvalue of the goods. Drawback of the full amount of duty shall be allowed upon goods found unsaleable and reexported. Should the American Merchant and the Custom house officers disagree as to the value to be set upon imported articles, such disputes shall be referred to the Consul and a proper Siamese Officer, who shall each have the power to call in an equal number of merchants as assessors, not exceeding two, on either side, to assist them in coming to an equitable decision.

Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being

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<sup>1</sup> See Treaty of 1833, p. 579.

effected with them for the sale of the opium, it shall be reexported, and no impost or duty levied thereon. Any infringement of this regulation shall subject the Opium to seizure and confiscation.

Articles of Export from the time of production to the date of shipment, shall pay one Impost only, whether this be levied under the name of Inland tax, Transit duty or duty on exportation. The tax or duty to be paid on each article of Siamese produce, previous to, or upon exportation, is specified in the Tariff attached to this treaty; and it is distinctly agreed, that goods or produce, that pay any description of tax in the Interior shall be exempted from any further payment of duty on exportation. American Merchants are to be allowed to purchase directly from the producer, the articles in which they trade and in like manner to sell their goods directly to the parties, wishing to purchase the same, without the interference in either case of any other person.

The rates of duty laid down in the Tariff attached to this treaty are those that are now paid upon goods or produce, shipped in Siamese or Chinese vessels or junks; and it is agreed that American shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to Siamese or Chinese vessels or junks.

American Citizens will be allowed to build ships in Siam, on obtaining permission to do so from the Siamese authorities.

Whenever a scarcity may be apprehended of Salt, Rice and Fish, the Siamese Government reserve to themselves, the right of prohibiting by public proclamation, the exportation of these articles, giving 30 days (say Thirty days) notice except in case of war.

Bullion or personal effects, may be imported or exported free of charge.

ARTICLE IX. The code of Regulations appended to this Treaty shall be enforced by the Consul with the coöperation of the Siamese authorities, and they, the said Authorities and Consul shall be enabled to introduce any further Regulations which may be found necessary in order to give effect to the objects of this treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this Treaty shall be paid to the Siamese government.

ARTICLE X. The American Government and its citizens, will be allowed free and equal participation in any privileges that may have been, or may hereafter be granted by the Siamese Government to the Government, Citizens or Subjects of any other nation.

ARTICLE XI. After the lapse of ten years from the date of the ratification of this Treaty, upon the desire of either the American or Siamese Government, and on twelve months notice given by either Party, the present and such portions of the Treaty of 1833, as remain unrevoked by this Treaty, together with the Tariff and Regulations thereunto annexed, or those that may hereafter be introduced, shall be subject to revision by Commissioners appointed on both sides for this purpose, who will be empowered to decide on and insert therein such amendments as experience shall prove to be desirable.

ARTICLE XII This Treaty executed in English and Siamese, both versions having the same meaning and intention shall take effect immediately and the ratifications of the same shall be exchanged at Bangkok, within eighteen months from the date thereof.



In witness whereof the abovenamed Plenipotentiaries have signed and sealed the present Treaty in triplicate at Bangkok, on the Twenty Ninth day of May in the Year One Thousand, Eight Hundred and Fifty Six of the Christian Era and of the Independence of the United States the Eightieth, corresponding to the Tenth of the waning Moon of the lunar Month Wesakh or Sixth Month of the Year of the Quad-ruped Serpent of the Siamese civil Era, One Thousand Two hundred and Eighteen and the Sixth of the Reign of Their Majesties, the First and Second Kings of Siam. [SEAL.]

[SEALS.] TOWNSEND HARRIS.

SIGNATURES OF THE SIAMESE PLENIPOTENTIARIES.

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*General Regulations, under which American Trade is to be conducted in Siam.*

REGULATION<sup>1</sup> I. The master of every American ship, coming to Bangkok to trade, must either before or after entering the river, as may be found convenient, report the arrival of his vessel at the Custom-house at Paknam, together with the number of his crew and guns, and the Port, from whence he comes. Upon anchoring his vessel at Paknam, he will deliver into the custody of the custom-house Officers all his guns and ammunition, and a custom-house officer, will then be appointed to the vessel, and will proceed in her to Bangkok.

REGULATION II. A vessel passing Paknam, without discharging her guns and ammunition, as directed in the foregoing regulation, will be sent back to Paknam to comply with its provisions, and will be fined Eight-hundred ticals for having so disobeyed. After delivery of her guns and ammunition she will be permitted to return to Bangkok to trade.

REGULATION III. When an American vessel shall have cast anchor at Bangkok, the master, unless a sunday should intervene, will, within four and twenty hours after arrival, proceed to the American Consulate and deposit there his ship's papers, bills of lading &c, together with a true manifest of his Import Cargo; and upon the Consul's reporting these particulars to the custom-house permission to break bulk will at once be given by the latter.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself in each instance to a penalty of four hundred ticals; but he will be allowed to correct within twenty-four hours after delivery of it to the Consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty.

REGULATION IV. An American vessel, breaking bulk and commencing to discharge before due permission shall be obtained, or smuggling, either when in the river or outside the bar, shall be subject to the penalty of eight-hundred ticals, and confiscation of the goods so smuggled or discharged.

REGULATION V. As soon as an American vessel shall have discharged her cargo, and completed her outward lading, paid all her duties and delivered a true manifest of her outward cargo to the American Consul, a Siamese port-clearance shall be granted her, on

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<sup>1</sup> This regulation was amended upon the proposition of Siamese Government, December 17, 1867, page 588.

application from the Consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel to Paknam, and on arriving there, she will be inspected by the Custom-house Officers of that Station, and will receive from them the guns and ammunition previously delivered into their charge.

REGULATION VI The American Plenipotentiary having no knowledge of the Siamese language, the Siamese Government, have agreed that the English text of these Regulations, together with the Treaty of which they form a portion, and the Tariff hereunto annexed, shall be accepted as conveying in every respect, their true meaning and intention.

REGULATION VII. All American citizens intending to reside in Siam shall be registered at the American consulate; they shall not go out to sea, nor proceed beyond the limits assigned by the Treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American consul; nor shall they leave Siam if the Siamese authorities show to the American consul that legitimate objections exist to their quitting the country.—But within the limits appointed under Article IV of the treaty, American citizens are at liberty to travel to and fro under the protection of a pass to be furnished them by the American consul, and countersealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the government stations in the interior may at any time call for the production of this pass; and immediately on its being exhibited, they must allow the parties to proceed; but it will be their duty to detain those persons who, by travelling without a pass from the consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the consul.

[SEAL.]  
[SEALS.]

TOWNSEND HARRIS.  
SIGNATURES OF THE SIAMESE PLENIPOTENTIARIES.

*Tariff of Export and Inland Duties to be levied on articles of Trade.*

SECTION I. The undermentioned articles shall be entirely free from Inland or other Taxes on production or transit, and shall pay export duty as follows:

	Tical.	Salung.	Fuang.	Hun.	
1. Ivory .....	10	0	0	0	per pecul.
2. Gamboge .....	6	0	0	0	"
3. Rhinoceros' horns .....	50	0	0	0	"
4. Cardamums, best .....	14	0	0	0	"
5. ditto, bastard .....	6	0	0	0	"
6. Dried mussels .....	1	0	0	0	"
7. Pelican's quills .....	2	2	0	0	"
8. Betel nut, dried .....	1	0	0	0	"
9. Krachi wood .....	0	2	0	0	"
10. Shark's fins, white .....	6	0	0	0	"
11. ditto black .....	3	0	0	0	"
12. Lukkrabau seed .....	0	2	0	0	"
13. Peacocks' tails .....	10	0	0	0	per 100 tails.
14. Buffalo & cow bones .....	0	0	0	3	per pecul.
15. Rhinoceros' hides .....	0	2	0	0	"
16. Hide Cuttings .....	0	1	0	0	"
17. Turtle shells .....	1	0	0	0	"

	Tical.	Salung.	Fuang.	Hun.	
18. Soft ditto.....	1	0	0	0	per pecul.
19. Bêche de mer.....	3	0	0	0	"
20. Fish 'maws.....	3	0	0	0	"
21. Bird's nests uncleaned.....	20 per cent.				
22. Kingfisher's feathers.....	6	0	0	0	per 100.
23. Cutch.....	0	0	0	0	per pecul.
24. Beyché seed (nux vomica).....	0	2	0	0	"
25. Pungtarai seed.....	0	2	0	0	"
26. Gun Benjamin.....	4	0	0	0	"
27. Angrai bark.....	0	2	0	0	"
28. Agilla wood.....	2	0	0	0	"
29. Ray skins.....	3	0	0	0	"
30. Old deer's horns.....	0	1	0	0	"
31. Soft or young ditto.....	10 per cent.				
32. Deer hides fine.....	8	0	0	0	per 100 hides.
33. ditto common.....	3	0	0	0	"
34. Deer sinews.....	4	0	0	0	per pecul.
35. Buffalo & cow hides.....	1	0	0	0	"
36. Elephants' bones.....	1	0	0	0	"
37. Tiger's bones.....	5	0	0	0	"
38. Buffalo horns.....	0	1	0	0	"
39. Elephant's hides.....	0	1	0	0	"
40. Tiger's skins.....	0	1	0	0	per skin.
41. Armadillo skins.....	4	0	0	0	per pecul.
42. Sticklac.....	1	1	0	0	"
43. Hemp.....	1	2	0	0	"
44. Dried fish plaheng.....	1	2	0	0	"
45. ditto plasalit.....	1	0	0	0	"
46. Sapan wood.....	0	2	1	0	"
47. Salt meat.....	2	0	0	0	"
48. Mangrove bark.....	0	1	0	0	"
49. Rosewood.....	0	2	0	0	"
50. Ebony.....	1	1	0	0	"
51. Rice.....	4	0	0	0	per royan.

SECTION II. The undermentioned Articles, being subject to the Inland or Transit duties herein named, and which shall not be increased, shall be exempt from export duties.

	Tical.	Salung.	Fuang.	Hun.	
52. Sugar white.....	0	2	0	0	per pecul.
53. ditto red.....	0	1	0	0	"
54. Cotton cleaned & uncleaned.....	10 per cent.				
55. Pepper.....	1	0	0	0	"
56. Salt fish platu.....	1	0	0	0	per 10,000 fish.
57. Beans and Peas.....	One twelfth.				
58. Dried Prawns.....	One twelfth.				
59. Tilseed.....	One twelfth.				
60. Silk raw.....	One twelfth.				
61. Bee's-wax.....	One fifteenth.				
62. Tallow.....	1	0	0	0	per pecul.
63. Salt.....	6	0	0	0	per royan.
64. Tobacco.....	1	2	0	0	per 1,000 bundles.

SECTION III. All goods or produce unenumerated in this Tariff shall be free of export duty, and shall only be subject to one Inland Tax or Transit duty, not exceeding the rate now paid.

[SEAL.]  
TOWNSEND HARRIS.

[SEALS.]  
SIGNATURES OF THE SIAMESE PLENIPOTENTIARIES.

1867.

MODIFICATION TO TREATY OF AMITY AND COMMERCE OF MAY 29,  
1856.

*Concluded December 17–31, 1867; ratification advised by Senate July 25, 1868; ratified by the President August 11, 1868.*

No. 72.

UNITED STATES CONSULATE,  
Bangkok, Decr. 31<sup>st</sup>, 1867.

To Hon. F. W. SEWARD,  
*Assistant Secretary of State,*  
*Washington, D. C.*

SIR: I have the honor to inform the Department that I have received a letter from His Excellency Chaw Phaya Praklang, Minister of Foreign Affairs, informing me that the Royal Counsellors for the Kingdom of Siam desire to change article first<sup>1</sup> of the Treaty Regulations, and that the change shall go into effect on January 1st, 1868. The article alluded to is, as follows, viz:

“Every shipmaster upon anchoring his vessel at Paknam will deliver into the custody of the Custom house officers all his guns and ammunition, and a custom house officer will then be appointed to the vessel and will proceed in her to Bangkok.”

The article as changed will require that the powder alone be left at Paknam but that the guns be allowed to remain in the vessel. I have given my assent to the change and all the other Consuls have done the same.

The change is a very advantageous one to shipmasters, as in shipping and reshipping of their guns, some of which were heavy, was attended with much delay and expense; whereas they generally have but a few pounds of powder on board, which can be boxed up and put ashore in a very short time.

I have the honor to be, sir, your obedient servant,

J. M. HOOD,  
*U. S. Consul.*

CHAW PHAYA PRAKLANG, MINISTER OF FOREIGN AFFAIRS OF THE KINGDOM OF  
SIAM.

To Mr. J. M. HOOD, *U. S. Consul.*

Saying:

That the Senabodee of the Kingdom of Siam have considered this matter, and have come to the conclusion—that as they saw that Siam was near the water and that trading ships could ascend to the city—for this reason they asked a clause in the treaties that all guns and powder should be landed at Paknam before the ship would ascend the river.

The Ministers Plenipotentiary also were of the same opinion and yielded this point to the Siamese in the treaties. When a vessel came in and the Chaw Pausknan at Paknam received the guns and powder off the vessel *that* [they] found it very difficult to take care of the powder and were afraid of an explosion, and for this reason they did not receive the powder from the vessel, but simply the guns. But now a long time since the Senabodee are of the opinion that the taking off of the guns at Paknam is a source of trouble to the vessels, for they took off guns belonging to many persons, and when the vessels come down again it was often after night, and when the captains went for their guns the wrong ones were frequently taken, and when the vessel coming afterwards could not find her own guns there was a fuss, and the Siamese officers had frequently to pay for the guns. Again the powder was left in the vessels and they coming up and anchoring in the river, there was danger of an explosion and injury to the citizens here.

Therefore the Senabodee have ordered me to write to all the Consuls and ask that the custom be changed—from January 1<sup>st</sup>, 1868. We ask to take out the powder of the vessels at Paknam, but the guns can be left in the vessels and need not be taken out. If you are also of the same opinion you will please inform masters of vessels and others under your protection to this effect. When the vessel comes to Paknam let them take out all the powder, but if they refuse to let the powder be taken out, and it remains in the vessel, and there arises any difficulty from that fact, we [beg to] claim indemnity according to the treaty.

Given Tuesday December 17<sup>th</sup>, 1867.

<sup>1</sup>See p. 585.

1884.

## AGREEMENT REGULATING LIQUOR TRAFFIC IN SIAM.

*Concluded May 14, 1884; ratification advised by the Senate June 28, 1884; ratified by the President June 30, 1884; ratifications exchanged June 30, 1884; proclaimed July 5, 1884. (U. S. Stats., Vol. 23, p. 782.)*

## ARTICLES.

- |                           |                                    |
|---------------------------|------------------------------------|
| I. Duties on liquors.     | V. Most favored nation privileges. |
| II. Testing of spirits.   | VI. Duration.                      |
| III. Deleterious spirits. | VII. Ratification, etc.            |
| IV. Licenses to sell.     |                                    |

The Government of the United States of America and the Government of His Majesty the King of Siam, being desirous of making satisfactory arrangements for the regulation of the traffic in spirituous liquors in Siam, the Undersigned, duly authorized to that effect, have agreed as follows:—

## ARTICLE I.

Spirits of all kinds not exceeding in alcoholic strength those permitted to be manufactured by the Siamese Government in Siam may be imported and sold by citizens of the United States on payment of the same duty as that levied by the Siamese excise laws upon spirits manufactured in Siam; and spirits exceeding in alcoholic strength spirits manufactured in Siam as aforesaid may be imported and sold upon payment of such duty, and of a proportionate additional duty for the excess of alcoholic strength above the Siamese Government standard.

Beer and wines may be imported and sold by citizens of the United States on payment of the same duty as that levied by the Siamese excise laws upon similar articles manufactured in Siam, but the duty on imported beer and wines shall in no case exceed 10 per cent. *ad valorem*.

The said duty on imported spirits, beer, and wines, shall be in substitution of, and not in addition to, the import duty of 3 per cent. leviable under the existing Treaties; and no further duty, tax, or imposition whatever shall be imposed on imported spirits, beer, and wines.

The scale of excise duty to be levied upon spirits, beer, and wines manufactured in Siam shall be communicated by the Siamese Government to the Minister Resident and Consul General of the United States at Bangkok, and no change in the excise duties shall affect citizens of the United States until after the expiration of six months from the date at which such notice shall have been communicated by the Siamese Government to the Representative of the United States at Bangkok.

## ARTICLE II.

The testing of spirits imported into the kingdom of Siam by citizens of the United States shall be carried out by an expert designated by the Siamese authorities, and by an expert designated by the Consul of the United States; in case of difference the parties shall designate a third person, who shall act as umpire, whose decision shall be final.

## ARTICLE III.

The Siamese Government may stop the importation by citizens of the United States into Siam of any spirits which, on examination, shall be proved to be deleterious to the public health; and they may give notice to the importers, consignees, or holders thereof to export the same within three months from the date of such notice, and if this is not done the Siamese Government may seize the said spirits and may destroy them, provided always that in all such cases the Siamese Government shall be bound to refund any duty which may have been already paid thereon.

The testing of spirits imported by citizens of the United States, and which may be alleged to be deleterious, shall be carried out in the manner provided by Article II.

The Siamese Government engage to take all necessary measures to prohibit and prevent the sale of spirits manufactured in Siam which may be deleterious to the public health.

## ARTICLE IV.

Any citizen of the United States who desires to retail spirituous liquors, beer, or wines in Siam, must take out a special license for that purpose from the Siamese Government, which shall be granted upon just and reasonable conditions to be agreed upon from time to time between the two Governments.

## ARTICLE V.

Citizens of the United States shall at all times enjoy the same rights and privileges in regard to the importation and sale of spirits, beer, wines, and spirituous liquors in Siam as the subjects of the most favored nation; and spirits, beer, wines, and spirituous liquors coming from the United States shall enjoy the same privileges in all respects as similar articles coming from any other country the most favored in this respect.

It is therefore clearly understood that citizens of the United States are not bound to conform to the provisions of the present agreement to any greater extent than the subjects of other nations are so bound.

## ARTICLE VI.

Subject to the provisions of Article V, the present Agreement shall come into operation on a date to be fixed by mutual consent between the two Governments, and shall remain in force until the expiration of six months' notice given by either party to determine the same.

The existing treaty engagements between the United States and Siam shall continue in full force until the present Agreement comes into operation and after that date, except in so far as they are modified hereby.

Should the present Agreement be terminated, the Treaty engagements between the United States and Siam shall revive, and remain as they existed previously to the signature hereof.



## ARTICLE VII.

In this agreement the words "citizen of the United States" shall include any naturalized citizen of the United States, and the words "Consul General of the United States" shall include any consular officer of the United States in Siam.

The present agreement shall be ratified, and its ratification shall be exchanged as soon as possible.

In witness whereof, the Undersigned have signed the same in duplicate, and have affixed thereto their seals.

Done at Washington, the fourteenth day of May 1884, corresponding to the fifth day of the waning moon of the month of Visagamas of the year Wauk Sixth Decade 1246 of the Siamese Astronomical Era.

FRED <sup>k</sup> T. FRELINGHUYSEN	[SEAL.]
NARÈS VARARIDDHI.	[SEAL.]

## SPAIN.

The treaties with Spain were annulled by the war of 1898.

1795.

### TREATY OF FRIENDSHIP, BOUNDARIES, COMMERCE AND NAVIGATION.

*Concluded October 27, 1795; ratification advised by the Senate March 3, 1796; ratified by the President; ratifications exchanged April 25, 1796; proclaimed August 2, 1796. (Treaties and Conventions, 1889, p. 1006.)*

This treaty consisted of twenty-three articles. It contained an agreement as to the southern and western boundaries of the United States; the mutual free navigation of the Mississippi River from its source to the ocean; the usual articles relating to commerce and navigation; the authority to appoint consuls; the appointment of a claims commission to settle claims of United States citizens against Spain, etc. The claims commission provided for met in Philadelphia, terminating their duties December 31, 1799, having made awards to the amount of \$325,440.07½ on account of Spanish spoliation.

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Federal cases: *The Nereide*, 9 Cranch, 388; *The Pizarro*, 2 Wheat., 227; *The Neustra Señora de la Caridad*, 4 Wheat., 497; *The Amiable Isabella*, 6 Wheat., 1; *The Bello Corrunes*, 6 Wheat., 152; *The Santissima Trinidad*, 7 Wheat., 283; *Henderson v. Poindexter's Lessee*, 12 Wheat., 530; *U. S. v. The Amistad*, 15 Pet., 518; *Pollard v. Hagan*, 3 How., 212; *Robinson v. Minor*, 10 How., 627; *Le Tigre*, 3 Wash. C. C., 567; *The Santissima Trinidad*, 1 Brock., 478.

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1802.

### CLAIMS CONVENTION.

*Concluded August 11, 1802; ratification advised by the Senate January 9, 1804; ratified by the President January 9, 1804; ratifications exchanged December 21, 1818; proclaimed December 22, 1818. (Treaties and Conventions, 1889, p. 1015.)*

This convention provided for the appointment of a board of five commissioners to adjust the claims for "indemnification of those who have sustained losses, damages, or injuries in consequence of the excesses of individuals of either nation during the late war contrary to the existing treaty or the laws of nations." As the convention was not proclaimed until the 22d of December, 1818, and was annulled by Article X of the Treaty of 1819, it never went into effect.

1819.

TREATY OF FRIENDSHIP, CESSION OF THE FLORIDAS, AND  
BOUNDARIES.

*Concluded February 22, 1819; ratification advised by the Senate February 24, 1819; ratification advised again by the Senate February 19, 1821; ratified by the President February 22, 1821; ratifications exchanged February 22, 1821; proclaimed February 22, 1821. (Treaties and Conventions, 1889, p. 1016.)*

By this treaty of sixteen articles Spain ceded East and West Florida to the United States; the western boundary was agreed to in Article III, which is reprinted; mutual claims against both governments were renounced, the United States assuming the payment of the Spanish claims arising out of the operations of the American army in Florida; a commission was provided to adjust the claims against Spain for the satisfaction of which the United States agreed to pay an amount not exceeding \$5,000,000, etc. The claims commission under the treaty, which was authorized by the act of March 3, 1821 (U. S. Stats., Vol. 3, p. 639), met in Washington, June 9, 1824. The awards amounted to \$5,454,545.13, which, in accordance with the treaty provisions, was scaled down to \$5,000,000.

## ART. 3.

The Boundary Line between the two Countries, West of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the River Sabine, in the Sea, continuing North, along the Western Bank of that River, to the 32<sup>d</sup> degree of Latitude; thence, by a Line due North, to the degree of Latitude, where it strikes the Rio Roxo of Natchitoches, or Red-River, then following the course to the Rio-Roxo Westward, to the degree of Longitude, 100 West from London and 23 from Washington, then, crossing the Said Red-River, and running thence by a Line due North to the River Arkansas, thence, following the Course of the Southern bank of the Arkansas to its source in Latitude, 42. North, and thence by that parallel of Latitude to the South-Sea. The whole being as laid down in Melish's Map of the United-States, published at Philadelphia, improved to the first of January 1818. But if the Source of the Arkansas River shall be found to fall North or South of Latitude 42, then the Line shall run from the said Source due South or North, as the case may be, till it meets the said Parallel of Latitude 42, and thence along the said Parallel to the South Sea: all the Islands in the Sabine and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United-States; but the

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Federal cases: *Comegys v. Vasse*, 1 Pet., 193, 4 Wash. C. C., 570; *American Ins. Co. v. Canter*, 1 Pet., 511; *Foster v. Neilson*, 2 Pet., 253; *U. S. v. Arredondo*, 6 Pet., 691; *U. S. v. Percheman*, 7 Pet., 51; *U. S. v. Clarke*, 8 Pet., 436, 9 Pet., 168, 16 Pet., 228; *Mitchel v. U. S.*, 9 Pet., 711; *U. S. v. Sibbald*, 10 Pet., 313; *Smith v. U. S.*, 10 Pet., 326; *U. S. v. Mill's Heirs*, 12 Pet., 215; *U. S. v. Kingsley*, 12 Pet., 476; *Garcia v. Lee*, 12 Pet., 511; *U. S. v. Wiggins*, 14 Pet., 334; *Pollard v. Kibbe*, 14 Pet., 353; *O'Hara v. U. S.*, 15 Pet., 275; *U. S. v. Delespine*, 15 Pet., 319; *U. S. v. The Amistad*, 15 Pet., 518; *U. S. v. Breward*, 16 Pet., 143; *U. S. v. Miranda*, 16 Pet., 153; *U. S. v. Hanson*, 16 Pet., 196; *U. S. v. Acosta*, 1 How., 24; *Pollard v. Files*, 2 How., 591; *Pollard v. Hagan*, 3 How., 212; *Clark v. Braden*, 16 How., 635; *Meade v. U. S.*, 9 Wall., 691, 2 Ct. Cl., 224; *U. S. v. Lynde's Heirs*, 11 Wall., 632; *U. S. v. Texas*, 162 U. S., 1; *Gray v. U. S.*, 21 Ct. Cl., 340.

use of the Waters, and the navigation of the Sabine to the Sea, and of the said Rivers, Roxo and Arkansas, throughout the extent of the said Boundary, on their respective Banks, shall be common to the respective inhabitants of both Nations. The Two High Contracting Parties agree to cede and renounce all their rights, claims and pretensions to the Territories described by the said Line: that is to say. The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the Territories lying West and South of the above described Line; and, in like manner, His Catholic Majesty cedes to the said United-States all his rights, claims, and pretensions to any Territories, East and North of the said Line, and for himself, his heirs, and successors, renounces all claim to the said Territories forever.

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1834.

CLAIMS CONVENTION.

*Concluded February 17, 1834; ratification advised by the Senate May 13, 1834; ratified by the President; ratifications exchanged August 14, 1834; proclaimed November 1, 1834. (Treaties and Conventions, 1889, p. 1035.)*

In this convention Spain agreed to pay the interest at the rate of 5 per centum per annum on 12,000,000 of rials vellon as the balance due to the citizens of the United States for claims against Spain. The commission to determine the claims under the convention authorized by act of Congress June 7, 1836 (U. S. Stats., Vol. 5, p. 34), met in Washington July 31, 1836, and adjourned January 31, 1838, awarding \$549,850.28 to the claimants. The payment of the interest is made perpetual by the convention.

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1877.

EXTRADITION CONVENTION.

*Concluded January 5, 1877; ratification advised by the Senate February 9, 1877; ratified by the President February 14, 1877; ratifications exchanged February 21, 1877; proclaimed February 21, 1877. (Treaties and Conventions, 1889, p. 1027.)*

This convention of twelve articles contained the usual provisions for the extradition of fugitives from justice.

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1882.

TRADE-MARK CONVENTION.

*Concluded June 19, 1882; ratification advised by the Senate July 5, 1882; ratified by the President April 4, 1883; ratifications exchanged April 19, 1883; proclaimed April 19, 1883. (Treaties and Conventions, 1889, p. 1036.)*

This convention of three articles contained the usual reciprocal agreements for the protection of trade-marks and manufactured articles.

1882.

## SUPPLEMENTARY EXTRADITION CONVENTION.

*Concluded August 7, 1882; ratification advised by the Senate February 27, 1883; ratified by the President April 4, 1883; ratifications exchanged April 19, 1883; proclaimed April 19, 1883. (Treaties and Conventions, 1889, p. 1037.)*

By the articles of this supplementary convention to the Extradition Convention of 1877, additions were made to the list of extraditable offenses, and an agreement made for the temporary detention of criminals and the cooperation of both governments to secure the arrest and delivery of the criminals demanded.

Federal cases: *Oteiza y Cortes v. Jacobus*, 136 U. S., 330; *Castro v. De Uriarte*, 12 Fed. Rep., 250; 16 Fed. Rep., 93; *In re Cortes*, 42 Fed. Rep., 47.

1898.

## TREATY OF PEACE.

*Concluded at Paris December 10, 1898; ratification advised by the Senate February 6, 1899; ratified by the President February 7, 1899; ratifications exchanged April 11, 1899; proclaimed April 11, 1899. (U. S. Stats. Vol. 30, p. —.)*

## ARTICLES.

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|--|--|
| I. Relinquishment of Cuba.   | X. Religious freedom.  |
| II. Cession of Porto Rico, Guam, etc.  | XI. Legal rights in ceded or relinquished territory.                       |
| III. Cession of Philippine Islands.  | XII. Determination of pending judicial proceedings.                        |
| IV. Spanish trade with the Philippines.  | XIII. Privileges of copyrights and patents preserved in ceded territories. |
| V. Return of Spanish soldiers from Manila: evacuation of Philippines and Guam. | XIV. Consular privileges.  |
| VI. Release of prisoners.  | XV. Mutual privileges of shipping charges.                                 |
| VII. Relinquishment of claims.   | XVI. Obligations of Cuba.  |
| VIII. Property relinquished and ceded.   | XVII. Ratification.  |
| IX. Property and civil rights of persons in ceded territory.                   |  |

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her august son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as plenipotentiaries:

The President of the United States,

William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States;

And Her Majesty the Queen Regent of Spain,

Don Eugenio Montero Ríos, president of the senate, Don Buenaventura de Abarzuza, senator of the Kingdom and ex-minister of the Crown; Don José de Garnica, deputy to the Cortes and associate justice of the supreme court; Don Wenceslao Ramirez de Villaurrutia, envoy extraordinary and minister plenipotentiary at Brussels, and Don Rafael Cerero, general of division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

## ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

## ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

## ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following lines:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich; thence along the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty five minutes ( $4^{\circ} 45'$ ) north latitude, thence along the parallel of four degrees and forty five minutes ( $4^{\circ} 45'$ ) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty five minutes ( $119^{\circ} 35'$ ) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty five minutes ( $119^{\circ} 35'$ ) east of Greenwich to the parallel of latitude seven degrees and forty minutes ( $7^{\circ} 40'$ ) north, thence along the parallel of latitude of seven degrees and forty minutes ( $7^{\circ} 40'$ ) north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars (\$20,000,000) within three months after the exchange of the ratifications of the present treaty.

## ARTICLE IV.

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

## ARTICLE V.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.



Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, livestock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Gaum, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defences, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the meantime, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

#### ARTICLE VI.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offences, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will at its own cost return to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto-Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

#### ARTICLE VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

#### ARTICLE VIII.

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

#### ARTICLE IX.

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

#### ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

#### ARTICLE XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the

country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

#### ARTICLE XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

#### ARTICLE XIII.

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

#### ARTICLE XIV.

Spain will have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

#### ARTICLE XV.

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

## ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

## ARTICLE XVII.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety-eight.

[SEAL]	WILLIAM R. DAY
[SEAL]	CUSHMAN K. DAVIS
[SEAL]	WILLIAM P. FRYE
[SEAL]	GEO. GRAY
[SEAL]	WHITELAW REID.
[SEAL]	EUGENIO MONTERO RÍOS
[SEAL]	B. DE ABARZUZA
[SEAL]	J. DE GARNICA
[SEAL]	W R DE VILLA URRUTIA
[SEAL]	RAFAEL CERERO

# SWEDEN AND NORWAY.

(SEE NORWAY.)

1783.

## SWEDEN.

### TREATY OF AMITY AND COMMERCE.

*Concluded April 3, 1783; ratified by the Continental Congress July 29, 1783; proclaimed by Congress September 25, 1783. (Treaties and Conventions, 1889, p. 1042.)*

(This treaty terminated by its own limitations in 1796; the articles revived by the Treaty of 1816, p. 611, and by Article XVII of the Treaty of 1827, p. 616, are printed below.)

#### ARTICLES.

- |   |   |
|---|---|
| I. (Peace and friendship.)                              | XIV. Goods on enemy's ships.                  |
| II. Most favored nation privileges.                     | XV. Instructions to naval vessels.            |
| III. (Privileges to Swedish subjects in United States.) | XVI. Bond from privateers.                    |
| IV. (Privileges to United States citizens in Sweden.)   | XVII. Recaptured ships; embargoes.            |
| V. Religious freedom.                                   | XVIII. Regulations for war with common enemy. |
| VI. Effects of deceased persons.                        | XIX. Prizes.                                  |
| VII. Commerce in case of war.                           | XX. (Shipwrecks.)                             |
| VIII. Extent of freedom of commerce.                    | XXI. Asylum for ships in distress.            |
| IX. Contraband goods.                                   | XXII. Property rights in case of war.         |
| X. Goods not contraband.                                | XXIII. Letters of marque.                     |
| XI. Ships' papers in case of war.                       | XXIV. (Shipping privileges.)                  |
| XII. Navigation in time of war.                         | XXV. Visit of war vessels.                    |
| XIII. Detention of contraband goods, etc.               | XXVI. (Consuls.)                              |
|   | XXVII. Ratification.                          |
|   | Separate article. Duration.                   |

#### SEPARATE ARTICLES.

- |   |                                    |
|---|------------------------------------|
| I. Defense of ships in Sweden.                | IV. Right to trade.                |
| II. Defense of ships in United States.        | V. Freedom of vessels from search. |
| III. (Mutual protection of merchant vessels.) |                                    |

[Translation.]

The King of Sweden, of the Goths and Vandals &c &c &c and the thirteen United States of North America, to wit, New Hampshire Massachusetts bay, Rhode island, Connecticut, New York, New Jersey Pennsylvania, the counties of New Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish

between their respective countries, states and subjects His Majesty and the United States have thought that they could not better accomplish that end than by taking for a basis of their arrangements the mutual interest and advantage of both nations thereby avoiding all those burthensome preferences, which are usually sources of debate, embarrassment and discontent, and by leaving each party at liberty to make respecting navigation & commerce, those interior regulations which shall be most convenient to itself.

With this view, his Majesty the King of Sweden has nominated and appointed for his plenipotentiary Count Gustavus Philip de Creutz, his ambassador extraordinary to His Most Christian Majesty, & Knight Commander of his orders; and the United States on their part have fully empowered Benjamin Franklin, their Minister plenipotentiary to his Most Christian Majesty.

The said plenipotentiaries after exchanging their full powers and after mature deliberation in consequence thereof have agreed upon, concluded and signed the following articles:—

#### ARTICLE I.

[Obsolete.]

#### ART. 2

The King and the United States engage mutually not to grant hereafter any particular favour to other nations in respect to Commerce & navigation, which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

#### ART 3

[Obsolete.]

#### ART 4

[Obsolete.]

#### ART. 5.

There shall be granted a full perfect and entire liberty of Conscience to the inhabitants and subjects of each party; and no person shall be molested on account of his worship, provided he submits so far as regards the public demonstration of it, to the laws of the country. Moreover liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other to bury them in convenient & decent places which shall be assigned for the purpose; and the two contracting parties will provide each in its jurisdiction that the subjects and inhabitants respectively may obtain certificates of the death in case the delivery of them is required.

#### ART 6.

The subjects of the contracting parties in the respective States may freely dispose of their goods and effects, either by testament donation or otherwise in favour of such persons as they think proper; and their heirs in whatever place they shall reside, shall receive the succession even *ab intestato* either in person or by their attorney without



having occasion to take out letters of naturalization. These inheritances as well as the capitals and effects, which the subjects of the two parties in changing their dwelling, shall be desirous of removing from the place of their abode shall be exempted from all duty, called "*droit de détraction*" on the part of the government of the two states, respectively. But it is at the same time agreed that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations or which may hereafter be published, which shall remain in full force and vigor. The United States on their part or any of them, shall be at liberty to make, respecting this matter, such laws as they think proper.

#### ART 7.

All and every the subjects & inhabitants of the Kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom and without any regard to those to whom the merchandizes and cargoes may belong from any port whatever. And the subjects and inhabitants of the two States shall likewise be permitted to sail and trade with their vessels and with the same liberty and safety to frequent the places, ports and havens of powers enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an Enemy to another port of an Enemy, whether it be under the jurisdiction of the same or of different Princes. And as it is acknowledged by this treaty, with respect to ships and merchandizes, that free ships shall make the merchandizes free and that everything which shall be on board of ships belonging to subjects of the one or the other of the contracting parties shall be considered as free, even though the cargo or a part of it should belong to the enemies of one or both; it is nevertheless provided that Contraband goods shall always be excepted; which, being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed that the same liberty be extended to persons who may be on board a free ship with this effect that although they be enemies to both or either of the parties they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

#### ART 8

This liberty of navigation and commerce shall extend to all kinds of merchandizes except those only which are expressed in the following article, and are distinguished by the name of Contraband goods.

#### ART 9

Under the name of Contraband or prohibited goods shall be comprehended, arms, great guns, cannon balls, arquebuses, musquets, mortars, bombs, petards, granadoes, saucisses, pitch-balls, carriages for ordnance, musquet rests, bandoleers, cannon powder, matches, saltpetre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halbards, javelins, pistols and their holsters, belts, bayonets, horses with their harness and all other like kinds of arms and instruments of war for the use of troops.

## ART. 10

These which follow shall not be reckoned in the number of prohibited goods, that is to say, all sorts of cloths, and all other manufactures of wool, flax, silk, cotton or any other materials, all kinds of wearing apparel together with the things of which they are commonly made; Gold, silver coined or uncoined, brass, iron, lead copper, latten, coals, wheat, barley and all sorts of corn or pulse, tobacco all kinds of spices, salted and smoked flesh, salted fish, cheese, butter beer, oyl, wines, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man; all kinds of cotton, hemp, flax tar, pitch, ropes, cables, sails, sail cloth, anchors and any parts of anchors ship-masts, planks, boards, beams and all sorts of trees and other things proper for building or repairing ships Nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use. All which shall be reckoned free goods, as likewise all other, which are not comprehended & particularly mentioned in the foregoing article; so that they shall not, by any pretended interpretation, be comprehended among prohibited or contraband goods On the contrary they may be freely transported by the subjects of the King and of the United States even to places belonging to an enemy, such places only excepted as are besieged, blocked, or invested, and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

## ART. 11.

In order to avoid & prevent on both sides all disputes and discord, it is agreed that in case one of the parties shall be engaged in a war, the ships & vessels belonging to the subjects or inhabitants of the other shall be furnished with sea letters or passports, expressing the name, property and port of the vessel and also the name & place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really & truly belongs to the subjects of the one or the other party. These passports which shall be drawn up in good & due form shall be renewed every time the vessel returns home in the course of the year. It is also agreed that the said vessels when loaded shall be provided not only with sea letters but also with certificates containing a particular account of the cargo, the place from which the vessel sailed and that of her destination, in order that it may be known, whether they carry any of the prohibited or contraband merchandizes, mentioned in the 9 article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

## ART 12.

Although the vessels of the one and of the other party may navigate freely and with all safety as is explained in the 7 article, they shall nevertheless be bound at all times when re-required, to exhibit as well on the high sea as in port their passports & certificates above mentioned; and not having contraband merchandize on board for an enemys port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless the exhibition

of papers shall not be demanded of merchant-ships under the convoy of vessels of war; but credit shall be given to the word of the officer commanding the Convoy.

ART 13.

If on producing the said certificates it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband & which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships nor to open any chest, coffer, packs, casks or vessels nor to remove or displace the smallest part of the merchandizes until the cargo has been landed in the presence of officers appointed for the purpose and until an inventory thereof has been taken: Nor shall it be lawful to sell exchange, or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandizes and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships themselves as the other merchandizes which shall have been found therein, which by virtue of this present treaty are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandize and much less confiscated as lawful prize. And in case the contraband merchandize be only a part of the cargo and the master of the vessel agrees. consents & offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandizes which are good prize, shall immediately let the vessel go & shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties if upon examination she be found to be loaded only with merchandizes declared to be free the owner or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

ART 14

It is likewise agreed that whatever shall be found to be laden by the subjects of either of the two contracting parties on a ship belonging to the enemies of the other party the whole effects although not of the number of those declared contraband shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandizes as were put on board before the declaration of war & even six months after the declaration after which term none shall be presumed to be ignorant of it, which merchandizes shall not in any manner be subject to confiscation, but shall be faithfully & specifically delivered to the owners who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds if the claim be made within eight months & could not be made sooner after the sale, which is to be public: provided nevertheless that if the said merchandizes be contraband it shall not be in any wise lawful to carry them afterwards to a port belonging to the enemy.

ART. 15.

And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men of war of the other party or by privateers all captains & commanders of ships of His Swedish Majesty and of the United States and all their

subjects shall be forbidden to do any injury or damage to those of the other party, & if they act to the contrary, having been found guilty on examination by their proper judges they shall be bound to make satisfaction for all damages & the interest thereof & to make them good under pain & obligation of their persons and goods.

ART. 16.

For this cause, every individual who is desirous of fitting out a privateer shall before he receives letters patent, or special commission be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages & wrongs which the owner of the privateer his officers or others in his employ may commit during the cruise, contrary to the tenor of this treaty and contrary to the edicts published by either party, whether by the King of Sweden or by the United States in virtue of this same treaty and also under the penalty of having the said letters patent & special commission revoked and made void.

ART. 17.

One of the contracting parties being at war & the other remaining neuter if it should happen that a merchant-ship of the neutral power be taken by the enemy of the other party and be afterwards retaken by a ship of war or privateer of the power at war, also ships & merchandizes of what nature soever they may be when recovered from a pirate or sea rover shall be brought into a port of one of the two powers & shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property Merchants, masters & owners of ships, seamen, people of all sorts, ships & vessels & in general all merchandizes & effects of one of the allies or their subjects shall not be subject to any embargo nor detained in any of the countries, territories, islands, cities, towns, ports, rivers or domains whatever, of the other ally, on account of any military expedition or any public or private purpose whatever, by seizure, by force, or by any such manner much less shall it be lawful for the subjects of one of the parties to seize or take anything by force from the subjects of the other party without the consent of the owner. This however is not to be understood to comprehend seizures, detentions and arrests made by order and by the authority of justice & according to the ordinary course for debts or faults of the subject for which process shall be had in the way of right according to the forms of Justice.

ART 18.

If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides

1. If the ships of one of the two nations retaken by the privateers of the other have not been in the power of the enemy more than 24 hours, they shall be restored to the original owner on payment of one-third of the value of the ship and cargo. If on the contrary the vessel retaken has been more than 24 hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2. In case, during the interval of 24 hours, a vessel be retaken by a man of war of either of the two parties, it shall be restored to the original owner on payment of a thirtieth part of the value of the vessel

and cargo, and a tenth part of it if it has been retaken after the 24 hours, which sums shall be distributed as a gratification among the crew of the men of war that shall have made the recapture.

3 The prizes made in manner above mentioned shall be restored to the owners after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

4. The men of war and privateers of the two nations shall reciprocally be admitted with their prizes into each others ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws & regulations established in Sweden as also that of the prizes made by American vessels shall have been determined according to the laws & regulations established by the United States of America.

5 Moreover, the King of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men of war & privateers respectively shall be bound to observe with regard to vessels which they shall take and carry into the ports of the two Powers.

#### ART 19.

The ships of war of his Swedish Majesty and those of the United States, and also those which their subjects shall have armed for war may with all freedom conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations, and the said prizes upon entering the said ports shall not be subject to arrest or seizure nor shall the officers of the places take cognizance of the validity of the said prizes which may depart and be conducted freely & with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to shew.

#### ART 20.

[Obsolete.]

#### ART. 21.

When the subjects and inhabitants of the two parties with their vessels whether they be public and equipped for war or private or employed in commerce shall be forced by tempest, by pursuit of privateers and of enemies or by any other urgent necessity, to retire and enter any of the rivers, bays, roads or ports of either of the two parties, they shall be received and treated with all humanity & politeness and they shall enjoy all friendship protection & assistance, and they shall be at liberty to supply themselves with refreshments, provisions & everything necessary for their sustenance, for the repair of their vessels and for continuing their voyage, provided allways that they pay a reasonable price; and they shall not in any manner be detained or hindered from sailing out of the said ports or roads but they may retire and depart when and as they please without any obstacle or hindrance

#### ART 22

In order to favour Commerce on both sides as much as possible, it is agreed that in case a war should break out between the said two nations which God forbid, the term of nine months after the declaration of war shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw



with their effects and moveables, which they shall be at liberty to carry off or to sell where they please without the least obstacle; nor shall any seize their effects & much less their persons during the said nine months, but on the contrary passports which shall be valid for a time necessary for their return shall be given them for their vessels and the effects which they shall be willing to carry with them. And if anything is taken from them or if any injury is done to them by one of the parties their people & subjects during the term above prescribed, full and entire satisfaction shall be made to them on that account. The above mentioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects

ART. 23.

No subject of the King of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America or any of them or against the subjects people or inhabitants of the said United States or any of them, or against the property of the inhabitants of the said States from any Prince or state whatever with whom the said United States shall be at war. Nor shall any citizen subject or inhabitant of the said United States or any of them apply for or take any commission or letters of marque for arming any vessel to cruize against the subjects of his Swedish Majesty or any of them or their property from any Prince or State whatever with whom his said Majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque he shall be punished as a pirate.

ART. 24.

[Obsolete.]

ART. 25

When a vessel belonging to the subjects & inhabitants of either of the parties sailing on the high sea shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport stating the property of the vessel and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage and it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

ART 26

[Obsolete.]

ART 27.

The present treaty shall be ratified on both sides and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature



In faith whereof the respective plenipotentiaries have signed the above articles, and have thereto affixed their seals.

Done at Paris the third of April in the year of our Lord one thousand seven hundred and eighty three.

B FRANKLIN.

[SEAL.]

GUSTAV PHILIP COMTE DE CREUTZ

[SEAL.]

#### SEPARATE ARTICLE.

(Reprinted to show duration.)

The King of Sweden and the United States of North America agree that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Done at Paris the third day of April, in the year of our Lord one thousand seven hundred & eighty three.

B. FRANKLIN.

[SEAL.]

GUSTAV PHILIP COMTE DE CREUTZ.

[SEAL.]

#### SEPARATE ARTICLES.

##### ART 1.

His Swedish Majesty shall use all the means in his power to protect & defend the vessels and effects belonging to citizens or inhabitants of the United States of North America and every of them, which shall be in the ports, havens roads or on the seas near the countries, islands cities and towns of His said Majesty, and shall use his utmost endeavours to recover and restore to the right owners all such vessels and effects which shall be taken from them within his jurisdiction

##### ART 2.

In like manner the United States of North America shall protect & defend the vessels and effects belonging to the subjects of His Swedish Majesty, which shall be in the ports, havens, or roads or on the seas near to the countries, islands cities and towns of the said States and shall use their utmost efforts to recover and restore to the right owners all such vessels and effects which shall be taken from them within their jurisdiction.

## ART. 3.

[Obsolete.]

## ART. 4.

It is agreed and concluded that all merchants, captains of merchantships or other subjects of His Swedish Majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America to manage their own affairs and to employ in the management of them whomsoever they please; and they shall not be obliged to make use of any interpreter or broker nor to pay them any reward unless they make use of them. Moreover the masters of ships shall not be obliged, in loading or unloading their vessels to employ labourers appointed by public authority for that purpose; but they shall be at full liberty themselves to load or unload their vessels or to employ in loading or unloading them whomsoever they think proper without paying reward under the title of salary to any other person whatever. And they shall not be obliged to turn over any kind of merchandizes to other vessels nor to receive them on board their own nor to wait for their lading longer than they please, and all and every of the citizens people and inhabitants of the United States of America shall reciprocally have and enjoy the same privileges and liberties in all places under the jurisdiction of the said realm.

## ART 5

It is agreed that when merchandizes shall have been put on board the ships or vessels of either of the contracting parties they shall not be subjected to any examination; but all examination and search must be before lading and the prohibited merchandizes must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship or of him who has the command of her. In which case only he shall be responsible and subject to the laws of the country in which he may be. In all other cases neither the subjects of either of the contracting parties who shall be with their vessels in the ports of the other, nor their merchandizes shall be seized or molested on account of contraband goods which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects or citizens of the State, whose merchandizes are declared contraband or the exportation of which is forbidden, those only who shall have sold or intended to sell or alienate, such merchandize being liable to punishment for such contravention.

Done at Paris the third day of April in the year of our Lord one thousand seven hundred and eighty-three.

B. FRANKLIN.

[SEAL.]

GUSTAV PHILIP COMTE DE CREUTZ.

[SEAL.]

1816.

TREATY OF AMITY AND COMMERCE.

*Concluded September 4, 1816; ratification advised by the Senate with amendments February 19, 1817; ratified by the President May 27, 1818; ratifications exchanged September 25, 1818; proclaimed December 31, 1818. (Treaties and Conventions, 1889, p. 1053.)*

This treaty of fourteen articles expired by its own limitations September 25, 1826, and was replaced by the Treaty of 1827.

1827.

TREATY OF COMMERCE AND NAVIGATION.

*Concluded July 4, 1827; ratification advised by the Senate January 7, 1828; ratified by the President; ratifications exchanged January 18, 1828; proclaimed January 19, 1828. (Treaties and Conventions, 1889, p. 1058.)*

(Translation from the original, which is in the French language.)

ARTICLES.

- |                                       |                                     |
|---------------------------------------|-------------------------------------|
| I. Freedom of commerce and trade.     | XIII. Consular officers and powers. |
| II. Shipping dues.                    | XIV. Deserters from ships.          |
| III. No discrimination on imports.    | XV. Shipwrecks.                     |
| IV. No discrimination on exports.     | XVI. Quarantine.                    |
| V. Trade with St. Bartholomew.        | XVII. Articles of former treaty re- |
| VI. Coastwise trade.                  | vived.                              |
| VII. No discriminations in purchases. | XVIII. Blockade rules.              |
| VIII. Tonnage, etc., dues.            | XIX. Duration.                      |
| IX. No restriction on imports.        | XX. Ratification.                   |
| X. Transit privileges, bounties, etc. | Separate article. Trade with        |
| XI. Shipping privileges.              | Finland.                            |
| XII. Discharge of cargoes.            |                                     |

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with the desire of extending and consolidating the commercial relations subsisting between their respective territories, and convinced that this object cannot better be accomplished than by placing them on the basis of a perfect equality and reciprocity, have, in consequence, agreed to enter into negotiation for a new treaty of commerce and navigation; and to this effect have appointed Plenipotentiaries, to wit: The President of the United States of America, John James Appleton, Chargé d'Affaires of the said States at the Court of His Majesty the King of Sweden and Norway; and His Majesty the King of Sweden and Norway, the Sieur Gustave Count de Wetterstedt, His Minister of State and of Foreign Affairs, Knight Commander of His Orders, Knight of the Orders of S<sup>t</sup> Andrew, S<sup>t</sup> Alexander Newsky, and S<sup>t</sup> Ann, of the First Class, of Russia; Knight of the Order of the Red Eagle, of the First Class, of Prussia; Grand Cross of the Order of Leopold, of Austria; One of the Eighteen of the Swedish Academy, who, after having exchanged their Full Powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

The Citizens and Subjects of each of the two High Contracting Parties may, with all security for their persons, vessels, and cargoes,

freely enter the ports, places and rivers of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce; and they shall enjoy generally, the most entire security and protection in their mercantile transactions, on condition of their submitting to the laws and ordinances of the respective countries.

#### ARTICLE II.

Swedish and Norwegian vessels, and those of the Island of S<sup>t</sup> Bartholomew, arriving, either laden or in ballast, into the ports of the United States of America from whatever place they may come, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges of whatever kind or denomination, levied in the name, or to the profit, of the Government, the local authorities, or of any private establishments whatsoever.

And reciprocally, the vessels of the United States of America, arriving, either laden or in ballast in the ports of the Kingdoms of Sweden and Norway, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name, or to the profit, of the Government, the local authorities, or of any private establishments whatsoever.

#### ARTICLE III.

All that may be lawfully imported into the United States of America in vessels of the said States, may also be thereinto imported in Swedish and Norwegian vessels, and in those of the island of S<sup>t</sup> Bartholomew, from whatever place they may come, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local Authorities, or of any private Establishments whatsoever, than if imported in national vessels.

And reciprocally, All that may be lawfully imported into the Kingdoms of Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of S<sup>t</sup> Bartholomew, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other, or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local Authorities or of any private establishments whatsoever, than if imported in national vessels.

#### ARTICLE IV.

All that may be lawfully exported from the United States of America, in vessels of the said States, may also be exported therefrom in Swedish and Norwegian vessels, or in those of the island of S<sup>t</sup> Bartholomew, without paying other, or higher, duties or charges of whatever kind

or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And reciprocally, All that may be lawfully exported from the Kingdoms of Sweden and Norway, in Swedish and Norwegian vessels, or in those of the island of S<sup>t</sup> Bartholomew, may also be exported therefrom in vessels of the United States of America, without paying other or higher, duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local Authorities, or of any private establishments whatsoever, than if exported in national vessels.

#### ARTICLE V.

The stipulations contained in the three preceding Articles are, to their full extent, applicable to the vessels of the United States of America, proceeding, either laden or not laden, to the Colony of S<sup>t</sup> Bartholomew, in the West Indies, whether from the ports of the Kingdoms of Sweden and Norway, or from any other place whatsoever; or proceeding from the said Colony, either laden or not laden, whether bound for Sweden or Norway, or for any other place whatsoever.

#### ARTICLE VI.

It is expressly understood that the foregoing Second, Third and Fourth Articles are not applicable to the coastwise navigation, from one port of the United States of America to another port of the said States; nor to the navigation from one port of the Kingdoms of Sweden or of Norway to another, nor to that between the two latter countries, which navigation, each of the Two High Contracting Parties reserves to itself.

#### ARTICLE VII.

Each of the Two High Contracting Parties engages not to grant, in its purchases, or in those which might be made by Companies or Agents acting in its name, or under its authority, any preference to importations made in its own vessels, or in those of a third Power, over those made in the vessels of the other Contra[c]ting Party.

#### ARTICLE VIII.<sup>1</sup>

The Two High Contracting Parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties of any kind or denomination, which shall be higher, or other than those which shall be imposed on every other navigation except that which they have reserved to themselves respectively, by the sixth article of the present treaty.

#### ARTICLE IX.<sup>1</sup>

There shall not be established, in the United States of America, upon the products of the soil or industry of the Kingdoms of Sweden and Norway, or of the island of S<sup>t</sup> Bartholomews, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions and duties shall, likewise, be established upon articles of like nature, the growth of any other country.

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<sup>1</sup> For provisions of trade with Finland, see p. 618.

And reciprocally, there shall not be established in the Kingdoms of Sweden and Norway, nor in the Island of St. Bartholomews, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions and duties be likewise established upon articles of like nature, the growth of the island of St. Bartholomew, or of any other place, in case such importation be made into, or from, the Kingdoms of Sweden & Norway;—or of the Kingdoms of Sweden & Norway, or of any other place, in case such importation or exportation be made into, or from, the island of St. Bartholomew.

#### ARTICLE X.<sup>1</sup>

All privileges of transit, and all bounties and draw-backs which may be allowed within the territories of one of the High Contracting Parties upon the importation or exportation of any article whatsoever, shall, likewise, be allowed on the articles of like nature, the products of the soil or industry of the other Contracting Party, and on the importations and exportations made in its vessels.

#### ARTICLE XI.

The Citizens or Subjects of one of the High Contracting Parties, arriving with their vessels on the coasts belonging to the other, but not wishing to enter the port, or after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage, without paying any other duties, imposts or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage and for the support of light-houses, when such duties shall be levied on national vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation, and the places and ports which they may enter, as are, or shall be, in force with regard to national vessels; and that the customhouse officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

#### ARTICLE XII.

It is further agreed, that the vessels of one of the High Contracting Parties having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes, as the captain or owner may wish, and that they may freely depart with the remainder without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon, and erased from, the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the custom-house of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, if

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<sup>1</sup> For provisions of trade with Finland, see p. 618.



composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever which are, or may become, chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes, but that no duties, imposts or charges of the same description shall be demanded anew in the ports of the same country which such vessels might, afterwards, wish to enter, unless national vessels be, in similar cases, subject to some ulterior duties.

### ARTICLE XIII.

Each of the High Contracting Parties grants to the other the privilege of appointing, in its Commercial ports and places, Consuls, Vice Consuls and Commercial Agents who shall enjoy the full protection, and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct with respect to the laws or Government of the country in which said Consuls, Vice Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the Consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice Consuls, or Commercial Agents, and of the Authority of the place where they may reside.

The Consuls, Vice Consuls or Commercial Agents, or the persons duly authorized to supply their places, shall have the right, as such to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities unless the conduct of the crews, or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice Consuls or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is however understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

### ARTICLE XIV.

The said Consuls, Vice-Consuls, or Commercial Agents are authorized to require the assistance of the local Authorities for the arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country; and, for this purpose, they shall apply to the competent tribunals, judges and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who

claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect

#### ARTICLE XV.

In case any vessel of one of the High Contracting Parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandise, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same circumstances; and the Salvage Companies shall not compel the acceptance of their services, except in the same cases, and after the same delays, as shall be granted to the captains and crews of national vessels. Moreover, the respective Governments will take care that these companies do not commit any vexatious or arbitrary acts.

#### ARTICLE XVI.

It is agreed that vessels arriving directly from the United States of America, at a port within the dominions of His Majesty the King of Sweden & Norway, or from the territories of His said Majesty in Europe, at a port of the United States, and provided with a bill of health granted by an officer having competent power to that effect, at the ports whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the Health Officer of the port where such vessels shall have arrived; after which said vessels shall be allowed immediately to enter and unload their cargoes; provided always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not, during their passage, have communicated with any vessel liable, itself, to undergo a quarantine; and that the country whence they came shall not, at that time, be so far infected or suspected, that, before their arrival an Ordinance had been issued, in consequence of which all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

#### ARTICLE XVII.

The second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth Articles of the Treaty of Amity and Commerce<sup>1</sup> concluded at Paris on the third of April one thousand, seven hundred eighty-three, by the Plenipotentiaries of the United States of America, and

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<sup>1</sup> See p. 601.

of His Majesty the King of Sweden, together with the first, second, fourth, and fifth separate articles, signed on the same day, by the same Plenipotentiaries, are revived, and made applicable to all the countries under the dominion of the present High Contracting Parties, and shall have the same force and value as if they were inserted in the context of the present Treaty; It being understood that the stipulations contained in the Articles above cited shall always be considered as in no manner affecting the conventions concluded by either party with other nations, during the interval between the expiration of the said treaty of one thousand seven hundred and eighty-three and the revival of said Articles by the Treaty of Commerce and Navigation<sup>1</sup> concluded at Stockholm by the present High Contracting Parties, on the fourth of September one thousand eight hundred and sixteen.

#### ARTICLE XVIII.

Considering the remoteness of the respective countries of the Two High Contracting Parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant vessel, belonging to either of them, which may be bound to a port supposed, at the time of its departure, to be blockaded, shall not, however, be captured or condemned for having attempted, a first time, to enter said port, unless it can be proved that said vessel could, and ought to, have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt, a second time, to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

#### ARTICLE XIX

The present Treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if, before the expiration of the first nine years, neither of the High Contracting Parties shall have announced, by an official notification, to the other, its intention to arrest the operation of said Treaty, it shall remain binding for one year beyond that time, and so on, until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

#### ARTICLE XX.

The present Treaty shall be ratified by the President of the United States of America, by, and with, the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged at Washington within the space of nine months from the signature, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present Treaty by duplicates, and have affixed thereto the seals of their arms. Done at Stockholm the fourth of July, in the year of Grace one thousand. eight hundred and twenty-seven.

J. J. APPLETON.

[SEAL.]

G. COUNT DE WETTERSTEDT.

[SEAL.]

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<sup>1</sup> See page 611.

## SEPARATE ARTICLE.

Certain relations of proximity and ancient connections having led to regulations for the importation of the products of the Kingdoms of Sweden and Norway into the Grand Duchy of Finland, and that of the products of Finland into Sweden and Norway, in vessels of the respective countries, by special stipulations of a Treaty still in force, and whose renewal forms, at this time, the subject of a negotiation between the Courts of Sweden & Norway and Russia, said stipulations, being in no manner connected with the existing regulations for foreign Commerce in general, the Two High Contracting parties anxious to remove from their commercial relations all kinds of ambiguity or motives of discussion, have agreed that the eighth, ninth and tenth Articles of the present Treaty shall not be applicable either to the navigation and commerce above mentioned, nor consequently to the exceptions in the general Tariff of custom-house duties, and in the regulations of navigation resulting therefrom, nor to the special advantages which are, or may be, granted to the importation of tallow and candles from Russia, founded upon equivalent advantages granted by Russia on certain articles of importation from Sweden and Norway.

The present Separate Article shall have the same force and value as if it were inserted, word for word, in the Treaty signed this day, and shall be ratified at the same time.

In faith whereof, We, the Undersigned, by virtue of our respective Full Powers, have signed the present Separate Article, and affixed thereto the Seals of our Arms.

Done at Stockholm the Fourth of July, one thousand eight hundred and twenty seven.

J. J. APPLETON.

[SEAL.]

G. COUNT DE WETTERSTEDT.

[SEAL.]

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1860.

## EXTRADITION CONVENTION.

*Concluded March 21, 1860; ratification advised by the Senate June 26, 1860; ratified by the President December 14, 1860; ratifications exchanged December 20, 1860; proclaimed December 21, 1860. (Treaties and Conventions, 1889, p. 1066.)*

This treaty of seven articles was concluded between the United States and Sweden and Norway. It was superseded as to Norway December 8, 1893, by the Treaty of June 7, 1893, page 468; and as to Sweden April 17, 1893, by the Treaty of January 14, 1893, page 621.

1869.

## NATURALIZATION CONVENTION.

*Concluded May 26, 1869; ratification advised by the Senate with amendment December 9, 1870; ratified by the President December 17, 1870; ratifications exchanged June 14, 1871; exchange of ratifications consented to by the Senate January 8, 1872; proclaimed January 12, 1872. (Treaties and Conventions, 1889, p. 1068.)*

## ARTICLES.

- |   |                                       |
|---|---------------------------------------|
| I. Recognition of naturalization.       | IV. Extradition convention continued. |
| II. Liability for prior offenses.       | V. Duration.                          |
| III. Restoration to former citizenship. | VI. Ratification.                     |

The President of the United States of America and His Majesty the King of Sweden and Norway, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Sweden and Norway and their dependencies and territories and from Sweden and Norway to the United States of America, have resolved to treat on this subject, and have for that purpose appointed plenipotentiaries to conclude a convention, that is to say:

The President of the United States of America;

Joseph J. Bartlett, Minister Resident, and

His Majesty the King of Sweden and Norway:

Count Charles Wachtmeister, Minister of State for Foreign Affairs;  
who have agreed to and signed the following articles:

## ART. I.

Citizens of the United States of America who have resided in Sweden or Norway for a continuous period of at least five years and during such residence have become and are lawfully recognized as citizens of Sweden or Norway, shall be held by the Government of the United States to be Swedish or Norwegian citizens and shall be treated as such.

Reciprocally: citizens of Sweden or Norway who have resided in the United States of America for a continuous period of at least five years and during such residence have become naturalized citizens of the United States, shall be held by the Government of Sweden and Norway to be American citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

## ART. II.

A recognized citizen of the one party on returning to the territory of the other remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

## ART. III.

If a citizen of the one party, who has become a recognized citizen of the other party, takes up his abode once more in his original country, and applies to be restored to his former citizenship, the Government of the last-named country is authorized to receive him again as a citizen on such conditions as the said Government may think proper.

## ARTICLE IV.

The convention<sup>1</sup> for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Sweden and Norway on the other part, the 21<sup>st</sup> March 1860, remains in force without change.

## ARTICLE V.

The present Convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

## ARTICLE VI.

The present Convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged at Stockholm within twenty four months from the date hereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

STOCKHOLM, May 26<sup>th</sup> 1869.

JOSEPH J. BARTLETT.

[SEAL.]

C. WACHTMEISTER.

[SEAL.]

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 PROTOCOL.

*Done at Stockholm, May 26<sup>th</sup> 1869.*

The undersigned met to-day to sign the Convention agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from the United States of America to Sweden and Norway, and from Sweden and Norway to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this Convention, were entered in the following protocol:

I. Relating to the first article of the Convention.

It is understood that if a citizen of the United States of America has been discharged from his American citizenship, or, on the other side, if a Swede or a Norwegian has been discharged from his Swedish or Norwegian citizenship in the manner legally prescribed by the Government of his original country, and then in the other country in a rightful and perfectly valid manner acquires citizenship, then an additional five years' residence shall no longer be required, but a person who has in that manner been recognized as a citizen of the other country, shall from the moment thereof be held and treated as a Swedish or Norwegian citizen and reciprocally, as a citizen of the United States.

II. Relating to the second article of the Convention.

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<sup>1</sup> See p. 618.



If a former Swede or Norwegian, who under the first article is to be held as an adopted citizen of the United States of America, has emigrated after he has attained the age when he becomes liable to military service, and returns again to his original country, it is agreed that he remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the act of emigration itself, unless thereby have been committed any punishable action against Sweden or Norway or against a Swedish or Norwegian citizen, such as non-fulfilment of military service or desertion from the military force or from a ship, saving always the limitation established by the laws of the original country, and any other remission of liability to punishment; and that he can be held to fulfil, according to the laws, his military service, or the remaining part thereof.

III. Relating to the third article of the Convention.

It is further agreed that if a Swede or Norwegian who has become a naturalized citizen of the United States, renews his residence in Sweden or Norway without the intent to return to America, he shall be held by the Government of the United States to have renounced his american citizenship.

The intent not to return to America may be held to exist when the person so naturalized resides more than two years in Sweden or Norway.

JOSEPH J. BARTLETT.

[SEAL.]

C. WACHTMEISTER.

[SEAL.]

1893.

# EXTRADITION TREATY.

*Concluded January 14, 1893; ratification advised by the Senate February 2, 1893; ratified by the President February 8, 1893; ratifications exchanged March 18, 1893; proclaimed March 18, 1893. (U. S. Stats., Vol. 28, p. 972.)*

## ARTICLES.

- |                             |  |
|-----------------------------|--|
| I. Surrender of accused.    | VIII. Restrictions on trials.          |
| II. Extraditable crimes.    | IX. Property seized with fugitive.     |
| III. Procedure.             | X. Persons claimed by other countries. |
| IV. Provisional detention.  | XI. Expenses.                          |
| V. Nondelivery of citizens. | XII. Effect; ratification.             |
| VI. Political offenses.     |  |
| VII. Limitation.            |  |

The United States of America and His Majesty the King of Sweden and Norway, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new treaty for the extradition of fugitives from justice between the United States of America and the Kingdom of Sweden, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, John W. Foster, Secretary of State of the United States; and

His Majesty the King of Sweden and Norway, J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

## ARTICLE I.

The Government of the United States and the Government of Sweden mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the

following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: *Provided*, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime or offense had been there committed.

## ARTICLE II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide and poisoning; attempt to commit murder; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Sweden as manslaughter.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary; also house-breaking or shop-breaking.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or receiving money, valuable securities or other property knowing the same to have been embezzled, stolen or fraudulently obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained or received is not less than \$200 or kronor 740.

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than \$200 or kronor 740.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Willful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea:

a. Piracy, by statute or by the law of nations;

b. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master;

c. Wrongfully sinking or destroying a vessel at sea, or attempting to do so;

d. Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this treaty, provided such participation may be punished, in the United States as a felony, and in Sweden by imprisonment at hard labor.

## ARTICLE III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and Sweden, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

## ARTICLE IV.

Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to the judge or other magistrate authorized to issue warrants of arrest in extradition cases, and present a complaint on oath, as provided by the statutes of the United States.

In the Kingdom of Sweden the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released, if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced, under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

## ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

## ARTICLE VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition shall be final.

## ARTICLE VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

## ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

## ARTICLE IX.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

## ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received: Provided, that the government from which extradition is sought is not bound by Treaty to give preference otherwise.

## ARTICLE XI.

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this Treaty shall be borne by the state in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and, Provided, that the charges for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

## ARTICLE XII.

The present treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. On the day on which it takes effect the convention<sup>1</sup> of March

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<sup>1</sup> See p. 621.

21<sup>st</sup>. 1860, shall, as between the Governments of the United States and of Sweden cease to be in force except as to crimes therein enumerated and committed prior to that day.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of six months after either of the contracting Governments shall have given notice of a purpose to terminate it.

In witness whereof the respective Plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at the city of Washington this fourteenth day of January, one thousand eight hundred and ninety-three.

JOHN W. FOSTER. [SEAL.]  
J. A. W. GRIP. [SEAL.]

# SWITZERLAND.

(SWISS CONFEDERATION.)

1847.

## CONVENTION AS TO PROPERTY RIGHTS.

*Concluded May 18, 1847; ratification advised by the Senate April 26, 1848; ratified by the President April 29, 1848; ratifications exchanged May 3, 1848; proclaimed May 4, 1848. (Treaties and Conventions, 1889, p. 1071.)*

This convention of three articles is superseded by the Convention of 1850, which is printed below.

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Federal case: *Haver v. Yaker*, 9 Wall., 32.

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1850.

## CONVENTION OF FRIENDSHIP, COMMERCE, AND EXTRADITION.

*Concluded November 25, 1850; ratification advised by the Senate with amendments March 7, 1851; ratified by the President March 12, 1851; ratification again advised by the Senate with amendment May 29, 1854; finally ratified by the President November 6, 1854; ratifications exchanged November 8, 1855; proclaimed November 9, 1855. (Treaties and Conventions, 1889, p. 1072.)*

### ARTICLES.

- |  |                                  |
|--|----------------------------------|
| I. Personal and property privileges.             | X. Future commercial privileges. |
| II. Civil duties and immunities.                 | XI. Differential duties.         |
| III. Return of citizens.                         | XII. Shipping; shipwrecks.       |
| IV. Passports.                                   | XIII. Extradition of accused.    |
| V. Real and personal property rights.            | XIV. Extraditable crimes.        |
| VI. Civil suits.                                 | XV. Mutual surrender.            |
| VII. Consular officers and privileges.           | XVI. Expenses.                   |
| VIII. Most favored nation commercial privileges. | XVII. Political offenses.        |
| IX. Export and import duties.                    | XVIII. Duration.                 |
|  | XIX. Ratification.               |

The United States of America and the Swiss Confederation equally animated by the desire to preserve and to draw more closely the bonds of friendship which so happily exist between the two Republics, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a General Convention of Friendship, Reciprocal Establishments, Commerce, and for the surrender of fugitive Criminals.



For this purpose, they have appointed as their Plenipotentiaries, to wit:

The President of the United States, A. Dudley Mann, Special Agent of the United States on a mission to the Swiss Confederation, and

The Swiss Federal Council, Henry Druey, President of the Swiss Confederation, Director of the Political Department, and Frederick Frey-Hérosée, Member of the Federal Council, Director of the Department of Commerce and of Tolls, who, after a communication of their respective full powers, have agreed to the following articles.

#### ARTICLE I.

The citizens of the United States of America and the citizens of Switzerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the Constitutional or legal provisions, as well Federal as State and Cantonal of the contracting parties. The citizens of the United States and the citizens of Switzerland, as well as the members of their families, subject to the Constitutional and legal provisions aforesaid, and yielding obedience to the laws, regulations and usages of the country wherein they reside, shall be at liberty to come, go, sojourn temporarily, domiciliate or establish themselves permanently, the former in the Cantons of the Swiss Confederation, the Swiss in the States of the American Union, to acquire, possess and alienate therein property (as is explained in Article V); to manage their affairs, to exercise their profession, their industry, and their commerce, to have establishments, to possess warehouses, to consign their products and their merchandise, and to sell them by wholesale or retail, either by themselves, or by such brokers or other agents as they may think proper; they shall have free access to the Tribunals and shall be at liberty to prosecute and defend their rights before courts of Justice, in the same manner as native citizens, either by themselves, or by such advocates, attorneys or other agents as they may think proper to select. No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment, or upon the enjoyment of the abovementioned rights than shall be imposed upon citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

The foregoing privileges however shall not extend to the exercise of political rights nor to a participation in the property of communities, corporations or institutions of which the citizens of one party, established in the other, shall not have become members or co-proprietors.

#### ARTICLE II

The citizens of one of the two countries, residing or established in the other, shall be free from personal military service, but they shall be liable to the pecuniary or material contributions, which may be required, by way of compensation, from citizens of the country where they reside, who are exempt from the said service.

No higher impost, under whatever name, shall be exacted from the citizens of one of the two countries, residing or established in the other, than shall be levied upon citizens of the country in which they reside, nor any contribution whatsoever, to which the latter shall not be liable.

In case of war or of expropriation for purposes of public utility, the citizens of one of the two countries, residing or established in the other shall be placed upon an equal footing with the citizens of the country in which they reside, with respect to indemnities for damages they may have sustained.

### ARTICLE III.

The citizens of one of the two Republics, residing or established in the other, who shall desire to return to their country, or who shall be sent thither by a judicial decision, by an act of police, or in conformity with the laws and regulations on morals and mendicity, shall be received at all times and under all circumstances, they, their wives, and their legitimate issue, in the country to which they belong, and in which they shall have preserved their rights, in conformity with the laws thereof.

### ARTICLE IV.

In order to establish their character as citizens of the United States of America or as citizens of Switzerland, persons belonging to the two contracting countries shall be bearers of pass-ports, or of other papers in due form, certifying their nationality as well as that of the members of their family, furnished or authenticated by a diplomatic or consular Agent of their nation, residing in the one of the two countries which they wish to inhabit.

### ARTICLE V

The citizens of each one of the contracting parties shall have power to dispose of their personal property, within the jurisdiction of the other, by sale, testament, donation or in any other manner; and their heirs, whether by testament or *ab intestato*, or their successors, being citizens of the other party, shall succeed to the said property or inherit it, and they may take possession thereof, either by themselves or by others acting for them; they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated shall be liable to pay in a similar case. In the absence of such heir, heirs, or other successors, the same care shall be taken by the authorities for the preservation of the property, that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the Cantons of the Swiss Confederation, in which foreigners shall be entitled to hold or inherit real estate.

But in case real estate, situated within the territories of one of the contracting parties, should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the State or in the Canton in which it may be situated, there shall be accorded to the said heir or other successor such term as the laws of State or Canton will permit to sell such property; he shall be at liberty at all times to withdraw and export the proceeds thereof without difficulty and without paying to the Government any other charges than those which in a similar case would be paid by an inhabitant of the country in which the real estate may be situated.

# ARTICLE VI.

Any controversy that may arise among the claimants to the same succession, as to whom the property shall belong, shall be decided according to the laws and by the Judges of the country in which the property is situated.

# ARTICLE VII.

The contracting parties give to each other the privilege of having, each, in the large cities and important commercial places of their respective States, Consuls and Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers in the discharge of their duties, as those of the most favored nations. But before any Consul [or Vice-Consul<sup>1</sup>] shall act as such, he shall, in the ordinary form, be approved of by the Government to which he is commissioned.

In their private and business transactions, Consuls and Vice-Consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offence against the laws, by a Consul or a Vice-Consul, the Government to which he is commissioned, may, according to circumstances, withdraw his exequatur, send him away from the country, or have him punished in conformity with the laws, assigning to the other government its reasons for so doing.

The archives and papers belonging to the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate, or other functionary visit, seize, or in any way interfere with them.

# ARTICLE VIII.

In all that relates to the importation, exportation and transit of their respective products, the United States of America and the Swiss Confederation shall treat each other, reciprocally, as the most favored Nation, Union of Nations, State, or Society, as is explained in the following articles:

# ARTICLE IX.

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation or transit of the natural or industrial products of the other, than are or shall be payable upon the like articles, being the produce of any other country, not embraced within its present limits.

# ARTICLE X.

In order the more effectually to attain the object contemplated in Article VIII, each of the contracting parties hereby engages not to grant any favor in commerce to any Nation, Union of Nations, State, or Society, which shall not immediately be enjoyed by the other party.

# ARTICLE XI.

Should one of the contracting parties impose differential duties upon the products of any nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products, destined to enter the country by which the differential duties are imposed.

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<sup>1</sup>The words "or Vice-Consul" by a clerical error were omitted in the English text, but their equivalent "ou un Vice-Consul" appears in the French text.

## ARTICLE XII.

The Swiss territory shall remain open to the admission of articles arriving from the United States of America; in like manner, no port of the said States shall be closed to articles arriving from Switzerland, provided they are conveyed in vessels of the United States or in vessels of any country having free access to the ports of said States.—Swiss merchandise arriving under the flag of the United States or under that of one of the nations most favored by them, shall pay the same duties as the merchandise of such nation; under any other flag, it shall be treated as the merchandise of the country to which the vessel belongs.

In case of ship-wreck and of salvage on the coasts of the United States, Swiss merchandise shall be respected and treated as that belonging to citizens of the said States.

The United States consent to extend to Swiss products, arriving or shipped under their flag, the advantages which are or shall be enjoyed by the products of the most favored nation, arriving or shipped under the same flag.

It is hereby understood that no stipulation of the present article shall in any manner interfere with those of the four foregoing articles, nor with the measures which have been or shall be adopted by either of the contracting countries in the interest of public morality, security or order.

## ARTICLE XIII.

The United States of America and the Swiss Confederation, on requisitions made in their name through the medium of their respective Diplomatic or Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other; *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons, so accused, shall be found.

## ARTICLE XIV.

Persons shall be delivered up, according to the provisions of this Convention, who shall be charged with any of the following crimes, to wit:

Murder, (including assassination, parricide, infanticide and poisoning;—Attempt to commit murder;—Rape,—Forgery, or the emission of forged papers;—Arson;—Robbery with violence, intimidation or forcible entry of an inhabited house;—*Piracy*;—Embezzlement by public officers, or by persons hired or salaried,—to the detriment of their employers, when these crimes are subject to infamous punishment.

## ARTICLE XV.

On the part of the United States, the surrender shall be made only by the authority of the Executive thereof, and on the part of the Swiss Confederation, by that of the Federal Council.

ARTICLE XVI

The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XVII

The provisions of the foregoing articles, relating to the surrender of Fugitive Criminals, shall not apply to offences committed before the date hereof, nor to those of a political character.

ARTICLE XVIII.

The present Convention is concluded for the period of ten years, counting from the day of the exchange of the ratifications; and if one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention, to the other, to arrest the operations of said Convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

ARTICLE XIX.

This Convention shall be submitted, on both sides, to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at the City of Washington as soon as circumstances shall admit.

In faith whereof the respective Plenipotentiaries have signed the above articles, under reserve of the abovementioned ratifications, both in the English and French languages, and they have thereunto affixed their seals.

Done, in quadruplicate at the City of Berne, this twenty-fifth day of November, in the year of our Lord, one thousand eight hundred and fifty.

[SEAL.]	A. DUDLEY MANN.
[SEAL.]	H. DRUEY.
[SEAL.]	F. FREY-HÉROSÉE.

## TEXAS.

The admission of Texas into the United States, December 29, 1845, rendered the treaties concluded in 1838, obsolete.

1838.

### CLAIMS CONVENTION.

*Concluded April 11, 1838; ratification advised by the Senate June 13, 1838; ratified by the President June 21, 1838; ratifications exchanged July 6, 1838; proclaimed July 6, 1838. (Treaties and Conventions, 1889, p. 1078.)*

By this treaty Texas agreed to pay \$11,750 in settlement of claims of citizens of the United States for the capture of the brigs *Pocket* and *Durango*, and other injuries.

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1838.

### BOUNDARY CONVENTION.

*Concluded April 25, 1838; ratification advised by the Senate May 10, 1838; ratified by the President October 4, 1838; ratifications exchanged October 12, 1838; proclaimed October 13, 1838. (Treaties and Conventions, 1889, p. 1079.)*

This treaty provided for a commission to survey and mark the boundary between the United States and Texas.



# TONGA.

1886.

## TREATY OF AMITY, COMMERCE, AND NAVIGATION.

*Concluded October 2, 1886; ratification advised by the Senate, with amendment, January 19, 1888; ratified by the President February 7, 1888; ratifications exchanged August 1, 1888; proclaimed September 18, 1888. (Treaties and Conventions, 1889, p. 1205.)*

### ARTICLES.

- |  |                                  |
|--|----------------------------------|
| I. Amity.                              | VIII. Whaling and fishing ships. |
| II. Most favored nation privileges.    | IX. Personal exemptions.         |
| III. Trade privileges.                 | X. Deserters from ships.         |
| IV. Commerce and navigation; im-ports. | XI. Consular officers.           |
| V. Shipping charges.                   | XII. Consular jurisdiction.      |
| VI. Coaling station in Tonga.          | XIII. Religious freedom.         |
| VII. Privileges to steam mail ships.   | XIV. Duration.                   |
|  | XV. Ratification.                |

The United States of America, and the King of Tonga, mutually desirous of maintaining and strengthening their relations and interests; have resolved to conclude a treaty of amity, commerce and navigation; and to this end have empowered as their representatives: The President of the United States; George H. Bates, Special Commissioner of the United States to Tonga; And His Majesty, the King of Tonga; The Reverend Shirley Waldemar Baker, Premier of the Kingdom of Tonga; Who, after producing to each other their respective powers, have agreed upon the following Articles:—

### ARTICLE I.

There shall be perpetual peace and amity between the United States of America and the King of Tonga, his heirs and his successors.

### ARTICLE II.

The citizens of the United States shall always enjoy, in the dominions of the King of Tonga, and Tongan subjects shall always enjoy in the United States, whatever rights, privileges and immunities are now accorded to citizens or subjects of the most-favored nation; and no rights, privileges or immunities shall be granted hereafter to any foreign state or to the citizens or subjects of any foreign state by either of the High Contracting Parties, which shall not be also equally and unconditionally granted by the same to the other High Contracting Party, its citizens or subjects; it being understood that the Parties hereto affirm the principle of the law of nations that no privilege granted for equivalent or on account of propinquity or other special conditions comes under the stipulations herein contained as to favored nations.

## ARTICLE III.

Citizens of the United States in Tonga, and Tongans in the United States, may visit sojourn and trade in any part of the respective jurisdictions, and rent, occupy and improve lands and erect dwellings, offices and ware-houses thereon, subject to the laws and regulations of the country; which shall however in no case, except in respect of employment as laborers, be more restrictive than those imposed upon the citizens or subjects of the respective country, or upon the citizens or subjects of the most-favored nation.

## ARTICLE IV.

There shall be reciprocal liberty of commerce and navigation between the United States and the Tonga Islands, and no duty of customs or other impost shall be charged upon any goods being the produce or manufacture of one country, when imported therefrom into the other country, other or higher than is charged upon the same, the produce or manufacture of or imported from any other country.

## ARTICLE V.

No other or higher duties or charges on account of harbor dues, pilotage, quarantine, salvage in case of damage or ship-wreck or other shipping charges shall be imposed in the dominions of the King of Tonga on vessels of the United States, or in the United States on Tongan vessels, than are imposed on vessels belonging to the most-favored nation.

## ARTICLE VI.

The ships-of-war of either of the High Contracting Parties may enter all ports, places and waters within the jurisdiction of the other, to anchor and remain, take in stores, refit and repair, subject to the laws and regulations of the country. To enable this privilege to be carried out in his dominions, the King of Tonga agrees to secure to the government of the United States by lease at nominal rent, with covenants of renewal, all rights of free use of necessary ground in any harbor of the Tonga Islands which shall be mutually agreed upon, for the purpose of establishing a permanent coaling and repair-station, the rights of Tongan sovereignty therein being fully reserved and admitted; and in selecting a station for this purpose, due regard shall be had for any similar concession which the King of Tonga has or may have granted by treaty to any other government.

## ARTICLE VII.

All steam vessels which may be employed by the Government of the United States in the carrying of their mails in and across the Pacific Ocean shall have free access to all ports of the Tonga Islands, and shall be there subject only to one-third of the usual harbor and pilotage dues, provided that no vessel shall be entitled to such exemption except upon condition of carrying free of charge the Tongan mails to ports of destination and call of such vessel.

## ARTICLE VIII.

The whaling or fishing vessels of the United States shall have free access to the ports and harbors of Tonga, and in the ports of entry thereof shall be permitted to barter or trade their supplies or goods for provisions for the use of their own vessels and crews, without being subject to the law relative to trading licenses, and shall be subject to no port-, or harbor-dues or pilotage whatever; but this privilege of barter and trade shall not include the supplying of spirituous liquors, or arms or ammunition to the Tongans. And such whaling or fishing vessels shall, after having entered any port of entry in the Tonga Islands, be at liberty to anchor off any island or reef thereof, for the purpose of whaling or boiling down; provided, such vessel does not anchor within the distance of three nautical miles from any inhabited town,—but nothing in this clause shall be so construed as to permit infringement of the quarantine laws of the dominions of the King of Tonga.

## ARTICLE IX.

All citizens of the United States residing in the Tonga Islands, and Tongan subjects residing in the United States, shall be exempted from all compulsory military service whether by sea or land, and from all forced loans, military requisitions and quartering of troops. They shall, moreover not be compelled to pay any other or higher taxes or license fees, or personal dues of any kind, than are or may be paid by the citizens or subjects of the High Contracting Party levying the same.

## ARTICLE X.

Should any member of the ship's company desert from a vessel-of-war or merchant vessel of either of the High Contracting Parties, while such vessel is within the territorial jurisdiction of the other, the local authorities shall render all lawful assistance for the apprehension of such deserter, on application to that effect made by the Consul of the High Contracting Party concerned, or if there be no Consul, then by the master of the vessel.

## ARTICLE XI.

Each of the High Contracting Parties may appoint Consuls, Vice-Consuls, Commercial Agents and Vice-Commercial Agents, for the protection of trade, to reside in the territory of the other High Contracting Party; but before any Consular officer so appointed shall act as such, he shall in the usual form be approved of and admitted by the Government of the country to which he is sent; and all such Consular officers shall enjoy the same privileges and powers with those of the most favored nation.

## ARTICLE XII.

Consuls and Consular representatives of the United States in Tonga shall have all jurisdictional rights over civil and criminal matters concerning their own citizens and vessels, in conformity with the

statutes of the United States and the law of nations; and they may call upon the authorities of Tonga for aid in making arrests or enforcing judgments: And, Citizens of the United States charged with committing offenses against Tongans shall be amenable only to the Consular jurisdiction and shall be punished according to the law of the United States: and Tongans charged with committing offenses against citizens of the United States shall be tried by Tongan courts and punished according to Tongan law.

Claims of a civil nature against citizens of the United States shall be cognizable only in the Consular jurisdiction, and Tongan Courts shall be open to citizens of the United States to prosecute such claims against Tongans, according to law: Provided that citizens of the United States charged with violations of laws and regulations of Tonga relating to customs, taxation, public health and local police not cognizable as such under the laws of the United States, shall be amenable to the jurisdiction of the Tongan Courts upon notice to the nearest U. S. Consul or Commercial Agent, if there be one resident in Tonga, who shall have the right to be present at the trial and to direct or provide for the defense of the accused; the proceedings at all such trials shall be public and accessible.

#### ARTICLE XIII.

Perfect and entire freedom of conscience and worship, with right of sepulture according to their creed, shall be enjoyed by the citizens or subjects of either of the High Contracting Parties within the jurisdiction of the other.

#### ARTICLE XIV.

This Treaty shall become effective upon promulgation and shall continue in force for ten years, and thereafter until one year after notice shall have been given by one of the High Contracting Parties to the other of its desire to terminate the same: save and except as to Article VI. (relative to the establishment of a coaling-station), which shall be terminable only by mutual consent.

#### ARTICLE XV.

This Treaty shall be ratified and the ratifications exchanged at Nukualofa as soon as possible.

This Treaty is executed in duplicate, one copy being in English and the other in Tongan, both versions having the same meaning and intention, but the English version shall be considered the original, and shall control in case of any variance.

In witness whereof, the respective plenipotentiaries have signed this Treaty, and thereunto affixed their respective seals.

Done in the harbor of Nukualofa, in Tongatabu, on board the United States Steamer, "Mohican", this second day of October, in the year of our Lord, one thousand, eight hundred and eighty-six.

GEO. H. BATES. [SEAL.]  
SHIRLEY W BAKER [SEAL.]

# TRIPOLI.

1796.

## TREATY OF PEACE AND FRIENDSHIP.

*Concluded November 4, 1796; ratification advised by the Senate June 7, 1797; ratified by the President June 10, 1798; proclaimed June 10, 1797. (Treaties and Conventions, 1889, p. 1081.)*

This treaty of twelve articles was superseded by the Treaty of 1805.

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1805.

## TREATY OF PEACE AND AMITY.

*Concluded June 4, 1805; ratification advised by the Senate April 12, 1806; ratified by the President (?); ratifications exchanged (?); proclaimed (?). (Treaties and Conventions, 1889, p. 1084.)*

### ARTICLES.

- |   |  |
|---|--|
| I. Peace, friendship, and commerce.             | XII. Consular responsibility in Tripoli.       |
| II. Exchange of prisoners.                      | XIII. Salutes to naval vessels.                |
| III. Withdrawal of United States forces.        | XIV. Religious freedom, etc.                   |
| IV. Neutral rights.                             | XV. Settlement of disputes.                    |
| V. Liberation of captive citizens.              | XVI. Treatment of prisoners.                   |
| VI. Ships' passports.                           | XVII. Captured vessels.                        |
| VII. Purchase of prizes.                        | XVIII. Judicial power of consul.               |
| VIII. Asylum for supplies.                      | XIX. Homicides, etc.                           |
| IX. Shipwrecks.                                 | XX. Estates of deceased persons; ratification. |
| X. Assistance to vessels in territorial waters. |  |
| XI. Most favored nation commercial privileges.  |  |

### ARTICLE. 1<sup>st</sup>

There shall be, from the conclusion of this Treaty a firm, inviolable and universal peace, and a sincere friendship between the President and Citizens of the United States of America, on the one part, and the Bashaw, Bey and Subjects of the Regency of Tripoli in Barbary on the other, made by the free consent of both Parties, and on the terms of the most favoured Nation. And if either party shall hereafter grant to any other Nation, any particular favour or privilege in Navigation or Commerce, it shall immediately become common to the other party, freely, where it is freely granted, to such other Nation, but where the grant is conditional it shall be at the option of the contracting parties to accept, alter or reject, such conditions, in such manner as shall be most conducive to their respective Interests.

ARTICLE 2<sup>nd</sup>

The Bashaw of Tripoli shall deliver up to the American Squadron now off Tripoli, all the Americans in his possession, and all the Subjects of the Bashaw of Tripoli now in the power of the United States of America shall be delivered up to him; and as the number of Americans in possession of the Bashaw of Tripoli amounts to Three Hundred Persons, more or less; and the number of Tripoline Subjects in the power of the Americans to about One Hundred more or less; The Bashaw of Tripoli shall receive from the United States of America, the sum of Sixty Thousand Dollars, as a payment for the difference between the Prisoners herein mentioned.

ARTICLE 3<sup>rd</sup>

All the forces of the United States which have been, or may be in hostility against the Bashaw of Tripoli, in the Province of Derne, or elsewhere within the Dominions of the said Bashaw. shall be withdrawn therefrom, and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the Subjects of the said Bashaw who may be in hostility against him in any part of his Dominions; and the Americans will use all means in their power to persuade the Brother of the said Bashaw, who has co-operated with them at Derne, &c, to withdraw from the Territory of the said Bashaw of Tripoli, but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him his Wife and Children now in his power.

ARTICLE 4<sup>th</sup>

If any goods belonging to any Nation with which either of the parties are at war, should be loaded on board Vessels belonging to the other party they shall pass free and unmolested, and no attempt shall be made to take or detain them.

ARTICLE 5<sup>th</sup>

If any Citizens or Subjects with their effects belonging to either party shall be found on board a Prize Vessel taken from an enemy by the other party, such Citizens or Subjects shall be liberated immediately and their effects so captured shall be restored to their lawful owners or their agents.

ARTICLE 6<sup>th</sup>

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the Vessels of War belonging to the Regency of Tripoli on meeting with merchant Vessels belonging to Citizens of the United States of America shall not be permitted to visit them with more than two persons besides the rowers, these two only shall be permitted to go on board said Vessel, without first obtaining leave from the Commander of said Vessel, who shall compare the passport, and immediately permit said Vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the Commander or any other person on board a Vessel so



visited; or plunder any of the property contained in her; On complaint being made by the Consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the Commander or Rais of said Tripoline ship or Vessel of War, as well as the Offenders shall be punished in the most exemplary manner.

All Vessels of War belonging to the United States of America on meeting with a Cruizer belonging to the Regency of Tripoli, and having seen her passport and Certificate from the Consul of the United States of America residing in the Regency, shall permit her to proceed on her Cruise unmolested, and without detention. No passport shall be granted by either party to any Vessels, but such as are absolutely the property of Citizens or Subjects of said contracting parties, on any pretence whatever.

#### ARTICLE 7<sup>th</sup>

A Citizen or Subject of either of the contracting parties having bought a Prize Vessel condemned by the other party, or by any other Nation, the Certificate of condemnation and Bill of Sale shall be a sufficient passport for such Vessel for two years, which, considering the distance between the two Countries, is no more than a reasonable time for her to procure proper passports.

#### ARTICLE 8<sup>th</sup>

Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price, and if any such Vessel should so put in from a disaster at Sea, and have occasion to repair; she shall be at liberty to land and reimbark her Cargo without paying any duties; but in no case shall she be compelled to land her Cargo.

#### ARTICLE 9<sup>th</sup>

Should a Vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her Crew. No pillage shall be allowed, the property shall remain at the disposition of the owners, and the Crew protected and succoured, till they can be sent to their Country.

#### ARTICLE 10<sup>th</sup>

If a Vessel of either party, shall be attacked by an Enemy within gunshot of the Forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no Enemy shall be allowed to pursue her from the same port, within twenty four hours after her departure.

#### ARTICLE 11<sup>th</sup>

The Commerce between the United States of America and the Regency of Tripoli; The Protections to be given to Merchants, masters of Vessels, and Seamen; The reciprocal right of establishing Consuls in each Country; and the privileges, immunities and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing, with those of the most favoured Nations respectively.

ARTICLE 12<sup>th</sup>

The Consul of the United States of America shall not be answerable for debts contracted by Citizens of his own Nation, unless, he previously gives a written obligation so to do.

ARTICLE 13<sup>th</sup>

On a Vessel of War belonging to the United States of America, anchoring before the City of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty one guns, which she is to return in the same quantity or number.

ARTICLE 14<sup>th</sup>

As the Government of the United States of America has in itself no character of enmity against the Laws, Religion or tranquility of Musselmen, and as the said States never have entered into any voluntary war or act of hostility against any Mahometan Nation, except in the defence of their just rights to freely navigate the High Seas; It is declared by the contracting parties that no pretext arising from Religious Opinions shall ever produce an interruption of the Harmony existing between the two Nations; And the Consuls and Agents of both Nations respectively, shall have liberty to exercise his Religion in his own house; all slaves of the same Religion shall not be impeded in going to said Consuls house at hours of Prayer. The Consuls shall have liberty and personal security given them to travel within the Territories of each other, both by land and sea, and shall not be prevented from going on board any Vessel that they may think proper to visit, they shall have likewise the liberty to appoint their own Drogo-man and Brokers.

ARTICLE 15<sup>th</sup>

In case of any dispute arising from the violation of any of the articles of this Treaty, no appeal shall be made to Arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place, where the dispute shall happen, shall not be able to settle the same; The Government of that country shall state their grievances in writing, and transmit it to the Government of the other, and the period of twelve Callendar months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party, and in case the grievances are not redressed, and war should be the event, the Consuls and Citizens or Subjects of both parties reciprocally shall be permitted to embark with their effects unmolested, on board of what vessel or Vessels they shall think proper.

ARTICLE 16<sup>th</sup>

If in the fluctuation of Human Events a war should break out between the two Nations: The Prisoners captured by either party shall not be made Slaves; but shall be exchanged Rank for Rank; and if there should be a deficiency on either side, it shall be made up by the payment of Five Hundred Spanish Dollars for each Captain, Three Hundred Dollars for each Mate and Supercargo and One hundred Spanish Dollars for each Seaman so wanting. And it is agreed that

Prisoners shall be exchanged in twelve months from the time of their capture, and that this Exchange may be effected by any private Individual legally authorized by either of the parties.

#### ARTICLE 17<sup>th</sup>

If any of the Barbary States, or other powers at war with the United States of America, shall capture any American Vessel, and send her into any of the ports of the Regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the Port on procuring the requisite supplies of Provisions; and no duties shall be exacted on the sale of Prizes captured by Vessels sailing under the Flag of the United States of America when brought into any Port in the Regency of Tripoli.

#### ARTICLE 18<sup>th</sup>

If any of the Citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Tripoli, to enforce his decisions, it shall immediately be granted to him. And if any dispute shall arise between any Citizen of the United States and the Citizens or Subjects of any other Nation, having a Consul or Agent in Tripoli, such dispute shall be settled by the Consuls or Agents of the respective Nations.

#### ARTICLE 19<sup>th</sup>

If a Citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a Citizen of the United States, the law of the Country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

#### ARTICLE 20<sup>th</sup>

Should any citizen of the United States of America die within the limits of the Regency of Tripoli, the Bashaw and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Bashaw or his Subjects give hindrance in the execution of any will that may appear.

Whereas, the undersigned, Tobias Lear, Consul General of the United States of America for the Regency of Algiers, being duly appointed Commissioner, by letters patent under the signature of the President, and Seal of the United States of America, bearing date at the City of Washington, the 18<sup>th</sup> day of November 1803 for negotiating and concluding a Treaty of peace, between the United States of America, and the Bashaw, Bey and Subjects of the Regency of Tripoli in Barbary—

Now know ye, That I, Tobias Lear, Commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein

contained; reserving the same nevertheless for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at Tripoli in Barbary, the fourth day of June, in the year One thousand, eight hundred and five; corresponding with the sixth day of the first month of Rabbia 1220.

[SEAL.]

TOBIAS LEAR.

Having appeared in our presence, Colonel Tobias Lear, Consul General of the United States of America, in the Regency of Algiers, and Commissioner for negotiating and concluding a Treaty of Peace and Friendship between Us and the United States of America, bringing with him the present Treaty of Peace with the within Articles, they were by us minutely examined, and we do hereby accept, confirm and ratify them, Ordering all our Subjects to fulfill entirely the contents, without any violation and under no pretext.

In Witness whereof We, with the heads of our Regency, subscribe

Given at Tripoli in Barbary the sixth day of the first month Rabbia 1220, corresponding with the 4<sup>th</sup> day of June 1805.

[SEAL.]  
[SEAL.]  
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[SEAL.]  
[SEAL.]  
[SEAL.]

JUSUF CARAMANLY, *Bashaw*.  
MOHAMET CARABNANLY, *Bey*.  
MOHAMET, *Kahia*.  
HAMET, *Rais de Marine*.  
MOHAMET DGHIES, *First Minister*.  
SALAH, *Aga of Divan*.  
SELIM, *Hasnadar*.  
MURAT, *Dulartile*.  
MURAT RAIS, *Admiral*.  
SOLIMAN, *Kehia*.  
ABDALLA, *Basa Aga*.  
MOHAMET, *Scheig al Belad*.  
ALLI BEN DIAB, *First Secretary*.

# TUNIS.

1797.

## TREATY OF AMITY, COMMERCE, AND NAVIGATION.

*Concluded August, 1797; ratification advised by the Senate, with amendments, March 6, 1798; alterations concluded March 26, 1799; ratification again advised by the Senate December 24, 1799. (Treaties and Conventions, 1889, p. 1090.)*

### ARTICLES.

- |   |   |
|---|---|
| I. Amity.                                     | XIII. Enemies' subjects serving as sailors. |
| II. Restoration of property captured.         | XIV. Import duties.                         |
| III. Rights of vessels.                       | XV. Freedom of commerce; prohibitions.      |
| IV. Ships' passports.                         | XVI. Anchorage charges.                     |
| V. Ships under convoy.                        | XVII. Consuls.                              |
| VI. Search of ships.                          | XVIII. Responsibility for debts.            |
| VII. Vessels purchased.                       | XIX. Effects of deceased persons.           |
| VIII. Asylum for supplies and shelter.        | XX. Jurisdiction of consuls.                |
| IX. Shipwrecks.                               | XXI. Homicides, etc.                        |
| X. Protection of ships in territorial waters. | XXII. Civil suits.                          |
| XI. Salutes to naval vessels.                 | XXIII. Settlement of disputes.              |
| XII. Trading rights and privileges.           |   |

God is infinite.

Under the auspices of the greatest, the most powerful of all the Princes of the Ottoman nation who reign upon the earth, our most glorious and most august Emperor, who commands the two lands and the two seas, Selim Kan, the victorious son of the Sultan Moustafa, whose realm may God prosper until the end of ages, the support of Kings, the Seal of Justice, the Emperor of Emperors.

The Most Illustrious and Most Magnificent Prince, Hamouda Pacha, Bey, who commands the Odgiak of Tunis, the abode of happiness, and the Most Honored Ibrahim Dey, and Soliman, Aga of the Janissaries, the Chief of the Divan, and all the Elders of the Odgiak; and the Most Distinguished and Honored President of the Congress of the United States of America, the most distinguished among those who profess the religion of the Messiah, of whom may the end be happy.

We have concluded between us the present treaty of peace and friendship, all the articles of which have been framed by the intervention of Joseph Stephen Famin, French merchant residing at Tunis, Chargé d'Affaires of the United States of America, which stipulations and conditions are comprised in twenty-three articles, written and expressed in such manner as to leave no doubt of their contents, and in such way as not to be contravened.

### ARTICLE I.

There shall be a perpetual and constant peace between the United States of America and the Magnificent Pacha, Bey of Tunis; and also a permanent friendship, which shall more and more increase.

## ARTICLE II.

If a vessel of war of the two nations shall make prize of an enemy's vessel, in which may be found effects, property, and subjects of the two contracting parties, the whole shall be restored: the Bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration, it being understood on both sides that the just right to what is claimed shall be proved.

## ARTICLE III.

Merchandise belonging to any nation which may be at war with one of the contracting parties, and loaded on board of the vessels of the other, shall pass without molestation, and without any attempt being made to capture or detain it.

## ARTICLE IV.

On both sides sufficient passports shall be given to vessels, that they may be known and treated as friendly; and, considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the *congé* or document, (which, at Tunis, is called *testa*,) but after the said term the *congé* shall be presented.

## ARTICLE V.

If the corsairs of Tunis shall meet at sea with ships of war of the United States, having under their escort merchant-vessels of their nation, they shall not be searched or molested; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited, and to avoid quarantine. The American ships of war shall act in like manner towards merchant-vessels escorted by the corsairs of Tunis.

## ARTICLE VI.

[Superseded by the Convention of 1824, p. 648.]

## ARTICLE VII.

An American citizen having purchased a prize vessel from our Odgiak, may sail with our passport, which we will deliver for the term of one year, by force of which our corsairs which may meet with her shall respect her; the Consul, on his part, shall furnish, her with a bill of sale, and, considering the distance of the two countries, this term shall suffice to obtain a passport in form. But, after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew.

## ARTICLE VIII.

If a vessel of one of the contracting parties shall be obliged to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price current at the place; and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload



and reload her cargo, without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading and unloading the merchandise.

#### ARTICLE IX.

If, by accident and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked or otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to make any opposition; and the proprietor of the effects shall pay the costs of salvage to those who may have been employed.

#### ARTICLE X.

In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible; and when she shall set sail, no enemy shall be permitted to pursue her from the same port, or any other neighboring port, for forty-eight hours after her departure.

#### ARTICLE XI.

[Superseded by the Convention of 1824, p. 649.]

#### ARTICLE XII.

[Superseded by the Convention of 1824, p. 649.]

#### ARTICLE XIII.

If among the crews of merchant-vessels of the United States there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves: The present article only concerns the sailors, and not the passengers, who shall not be in any manner molested.

#### ARTICLE XIV.

[Superseded by Convention of 1824, p. 650.]

#### ARTICLE XV.

It shall be free for the citizens of the United States to carry on what commerce they please in the Kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles; and if any one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care, that the captains and sailors shall not load prohibited articles; but if this should happen, those who shall not have contributed to the smuggling shall not be molested nor searched, no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be obliged to receive merchandise on board his vessel, nor to unlade the same against his will, until the freight shall be paid.

## ARTICLE XVI.

The merchant-vessels of the United States which shall cast anchor in the road of the Gouletta, or any other port of the Kingdom of Tunis, shall be obliged to pay the same anchorage for entry and departure which French vessels pay, to wit: Seventeen piasters and a half, money of Tunis, for entry, if they import merchandise; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorage if they arrive in ballast, and depart in the same manner.

## ARTICLE XVII.

Each of the contracting parties shall be at liberty to establish a Consul in the dependencies of the other; and if such Consul does not act in conformity with the usages of the country, like others, the Government of the place shall inform his Government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the Government; and he may import for his own use all his provisions and furniture without paying any duty; and if he shall import merchandise, (which it shall be lawful for him to do,) he shall pay duty for it.

## ARTICLE XVIII.

If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the Consul nor the nation, nor any subjects or citizens thereof shall be in any manner responsible, except they or the Consul shall have previously become bound in writing; and without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

## ARTICLE XIX.

In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the Consul or the Vekil shall take possession of his effects, (if he does not leave a will,) of which he shall make an inventory; and the Government of the place shall have nothing to do therewith. And if there shall be no Consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

## ARTICLE XX.

The Consul shall be the judge in all disputes between his fellow-citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the Government where he resides to sanction his decisions, it shall be granted to him.

## ARTICLE XXI.

If a citizen or subject of one of the parties shall kill, wound, or strike a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: The Consul shall be present at the trial; but if any offender shall escape, the Consul shall be in no manner responsible for it.

## ARTICLE XXII.

If a dispute or law-suit on commercial or other civil matters shall happen, the trial shall be had in the presence of the Consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

## ARTICLE XXIII.

If any difference or dispute shall take place concerning the infraction of any article of the present treaty on either side, peace and good harmony shall not be interrupted, until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefor, except where such application shall have been rejected; and if war be then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves with their property.

The agreements and terms above concluded by the two contracting parties shall be punctually observed with the will of the Most High. And for the maintenance and exact observance of the said agreements, we have caused their contents to be here transcribed, in the present month of Rebia Elul, of the Hegira one thousand two hundred and twelve, corresponding with the month of August of the Christian year one thousand seven hundred and ninety-seven.

The Aga  
SOLIMAN'S  
Signature and  
[SEAL.]

IBRAHIM DEY'S  
Signature  
and  
[SEAL.]

The Bey's  
Signature  
and  
[SEAL.]

Whereas the President of the United States of America, by his letters patent, under his signature and the seal of state, dated the [SEAL.] eighteenth day of December, one thousand seven hundred and ninety-eight, vested Richard O'Brien, William Eaton, and James Leander Cathcart, or any two of them in the absence of the third, with full powers to confer, negotiate, and conclude with the Bey and Regency of Tunis, on certain alterations in the treaty between the United States and the Government of Tunis, concluded by the intervention of Joseph Etienne Famin, on behalf of the United States, in the month of August, one thousand seven hundred and ninety-seven, we, the undersigned William Eaton and James Leander Cathcart, (Richard O'Brien being absent,) have concluded on and entered, in the foregoing treaty, certain alterations in the eleventh, twelfth, and fourteenth articles, and do agree to said treaty with said alterations, reserving the same nevertheless for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

In testimony whereof we annex our names and the consular seal of the United States. Done in Tunis, the twenty-sixth day of March, in the year of the Christian era one thousand seven hundred and ninety-nine, and of American Independence the twenty-third.

WILLIAM EATON.  
JAMES LEANDER CATHCART.

1824.

## CONVENTION AMENDING TREATY OF AUGUST, 1797.

*Concluded February 24, 1824; ratification advised by the Senate January 13, 1825; ratified by the President January 21, 1825; proclaimed January 21, 1825. (Treaties and Conventions, 1889, p. 1096.)*

[This is reprinted from the proclamation of President Monroe]

## ARTICLES.

- |   |   |
|---|---|
| VI. Search of ships; freedom of slaves. | XIV. Most favored nation commercial privileges. |
| XI. Salutes to naval vessels.           |   |
| XII. Trading rights and privileges.     |   |

Whereas sundry Articles of the Treaty of peace and friendship concluded between the United-States of America and Hamuda Bashaw of happy memory in the month of Rebia Elul in the year of the Hegira 1212, corresponding with the month of August of the Christian year 1797; have by experience been found to require alteration and amendment: In order therefore that the United-States should be placed on the same footing with the most favoured Nations having Treaties with Tunis, as well as to manifest a respect for the American Government and a desire to continue unimpaired the friendly relations which have always existed between the two Nations, it is hereby agreed and concluded between His Highness Sidi Mahmoud Bashaw Bey of Tunis, and S. D. Heap, Esq<sup>r</sup> Chargé d'Affaires of the United-States of America, that alteration be made in the sixth, eleventh, twelfth and fourteenth Articles of said Treaty; and that the said Articles shall be altered and amended in the Treaty to read as follows:

## ARTICLE the Sixth, as it now is.

If a Tunisian Corsair shall meet with an American vessel and shall visit it with her boat, two men only shall be allowed to go on board peaceably to satisfy themselves of its being American, who, as well as any passengers of other Nations they may have on board, shall go free, both them and their goods; and the said two men shall not exact anything, on pain of being severely punished. In case a slave escapes and takes refuge on board an American vessel of war, he shall be free, and no demand shall be made either for his restoration or for payment.

ARTICLE 6<sup>th</sup> as it was.<sup>1</sup>

If a Tunisian Corsair shall meet with an American merchant vessel, and shall visit it with her boat, she shall not exact anything, under pain of being severely punished. And, in like manner, if a vessel of war of the United-States shall meet with a Tunisian merchant vessel, she shall observe the same rule. In case a slave shall take refuge on board of an American vessel of war, the Consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored; but if any slave shall take refuge in any American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

<sup>1</sup> See p. 644.

## ARTICLE the Eleventh, as it now is.

When a vessel of war of the United-States shall enter the port of the Gouletta she shall be saluted with twenty-one guns, which salute, the vessel of war shall return gun for gun only, and no powder will be given, as mentioned in the ancient eleventh Article of this Treaty, which is hereby annulled.

## ARTICLE the Twelfth, as it now is.

When Citizens of the United-States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the Merchants of other Nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto, and they shall be free to avail themselves of such interpreters as they may judge necessary without any obstruction in conformity with the usages of other Nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United-States, he shall be treated in like manner. If any Tunisian subject shall freight an American vessel, and load her with merchandize, and shall afterwards want to unload, or ship them on board of another vessel, we shall not permit him until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

ARTICLE 11<sup>th</sup> as it was.<sup>1</sup>

When a vessel of war of the United-States of America shall enter the port of Tunis, and the Consul shall request that the Castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute, there shall be no question about it.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian Corsairs, when they shall enter any port of the United States.

ARTICLE 12<sup>th</sup> as it was.<sup>1</sup>

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the Merchants of other Nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United-States, he shall be treated in like manner.

If any Tunisian subject shall freight an American vessel, and load her with merchandize, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision, the determination shall be conformed to.

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<sup>1</sup> See p. 645.



No Captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other Nations, which may take place with respect to merchant vessels, but not to those of war.

The subjects and Citizens of the two nations respectively Tunisians and Americans, shall be protected in the places where they may be by the officers of the Government there existing; but on failure of such protection, and for redress of every injury, the party may resort to the chief authority in each country, by whom adequate protection and complete justice shall be rendered. In case the Government of Tunis shall have need of an American vessel for its service, such vessel being within the Regency, and not previously engaged, the Government shall have the preference on its paying the same freight as other merchants usually pay for the same service, or at the like rate, if the service be without a customary precedent.

ARTICLE the Fourteenth—as it now is.

All vessels belonging to the Citizens and inhabitants of the United-States shall be permitted to enter the ports of the Kingdom of Tunis, and freely trade with the subjects and inhabitants thereof on paying the usual duties which are paid by other most favoured nations at peace with the Regency. In like manner, all vessels belonging to the subjects and inhabitants of the Kingdom of Tunis shall be permitted to enter the different ports of the United-States, and freely trade with the citizens and inhabitants thereof on paying the usual duties which are paid by other most favoured nations at peace with the United-States.

No Captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other Nations; which may take place with respect to merchant vessels, but not to those of war.

The subjects of the two contracting powers shall be under the protection of the prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

In case the Government shall have need of an American merchant vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the Captain agreeably to the intention of the Government, and the Captain shall not refuse it.

ARTICLE 14<sup>th</sup>—as it was.<sup>1</sup>

A Tunisian merchant, who may go to America with a vessel of any nation soever, loaded with merchandize which is the production of the Kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandize of their country, which they may bring to Tunis, under their flag, the same duty as the Tunisians pay in America.

But if an American merchant, or a merchant of any other nation, shall bring American merchandize under any other flag, he shall pay six per cent. duty: in like manner, if a foreign merchant shall bring the merchandize of his country under the American flag, he shall also pay six per cent.

<sup>1</sup> See p. 645.



Concluded, signed and sealed at the Palace of Bardo, near Tunis, the 24<sup>th</sup> day of the moon jumed-teni in the year of the Hegira 1239 corresponding the 24<sup>th</sup> of February 1824, of the Christian year, and the 48<sup>th</sup> year of the Independence of the United-States; reserving the same nevertheless for the final ratification of the President of the United-States by and with the advice and consent of the Senate.

S. D. HEAP, Chargé d'Affaires. [L. s.]  
SIDI MAHMOUD'S signature and [L. s.]

## TWO SICILIES.

(SEE ITALY.)

1832.

### CLAIMS CONVENTION.

*Concluded October 14, 1832; ratification advised by the Senate January 19, 1833; ratified by the President; ratifications exchanged June 8, 1833; proclaimed August 27, 1833. (Treaties and Conventions, 1889, p. 1100.)*

This convention of three articles provided for the payment of 2,115,000 Neapolitan ducats for the seizure, etc., of United States vessels by Murat in 1809, 1810, 1811, and 1812. The commission of three to decide on the distribution of the indemnity met in Washington September, 1833, and adjourned March 17, 1835. The awards of the commission amounted to \$1,925,034.68.

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1845.

### TREATY OF COMMERCE AND NAVIGATION.

*Concluded December 1, 1845; ratification advised by the Senate April 11, 1846; ratified by the President April 14, 1846; ratifications exchanged June 1, 1846; proclaimed July 24, 1846. (Treaties and Conventions, 1889, p. 1102.)*

This treaty of thirteen articles was superseded by the Convention of October 1, 1855.

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1855.

### CONVENTION AS TO RIGHTS OF NEUTRALS AT SEA.

*Concluded January 13, 1855; ratification advised by the Senate March 3, 1855; ratified by the President March 20, 1855; ratifications exchanged July 14, 1855; proclaimed July 16, 1855. (Treaties and Conventions, 1889, p. 1107.)*

This convention of three articles was superseded by the Treaty of 1871 with Italy, page 309.

1855.

CONVENTION OF AMITY, COMMERCE AND NAVIGATION, AND  
EXTRADITION.

*Concluded October 1, 1855; ratification advised by the Senate with amendments August 13, 1856; ratified by the President August 20, 1856; ratifications exchanged November 7, 1856; proclaimed December 10, 1856. (Treaties and Conventions, 1889, p. 1109.)*

This convention became obsolete by the consolidation of the Two Sicilies with the Kingdom of Italy, 1861. See Treaty of March 23, 1868, page 306, and Treaty of February 26, 1871, page 309.

# VENEZUELA.

1836.

## TREATY OF PEACE, AMITY, COMMERCE AND NAVIGATION.

*Concluded January 20, 1836; ratification advised by the Senate March 23, 1836; ratified by the President April 20, 1836; ratifications exchanged May 31, 1836; proclaimed June 30, 1836. (Treaties and Conventions, 1889, p. 1119.)*

Pursuant to a notice from the Government of Venezuela, this convention of thirty-four articles terminated January 3, 1851.

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1859.

## CLAIMS CONVENTION.

*Concluded January 14, 1859; ratification advised by the Senate February 21, 1861; ratified by the President February 26, 1861. (Treaties and Conventions, 1889, p. 1129.)*

By this convention the claims of United States citizens against Venezuela, amounting to \$130,000, for damages for being evicted from Aves Island were acknowledged and payment provided for.

1860.

## TREATY OF AMITY, COMMERCE AND NAVIGATION, AND EXTRADITION.

*Concluded August 27, 1860; ratification advised by the Senate February 12, 1861; ratified by the President February 25, 1861; ratifications exchanged August 9, 1861; proclaimed September 25, 1861. (Treaties and Conventions, 1889, p. 1130.)*

This treaty of thirty-two articles terminated October 22, 1870, pursuant to notice from Venezuela.

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1866.

## CLAIMS CONVENTION.

*Concluded April 25, 1866; ratification advised by the Senate July 5, 1866; ratified by the President August 8, 1866; ratifications exchanged April 17, 1867; proclaimed May 29, 1867. (Treaties and Conventions, 1889, p. 1140.)*

The claims of citizens of the United States against Venezuela were submitted by this convention to two commissioners and an umpire, who met at Caracas, Venezuela, August 30, 1867, and adjourned August 3, 1868, awarding \$1,253,310.30 against Venezuela.

## 1885.

### CLAIMS CONVENTION.

*Concluded December 5, 1885; ratification advised by the Senate with amendments April 15, 1886; ratified by the President August 7, 1888; ratifications exchanged June 3, 1889; proclaimed June 4, 1889. (U. S. Stats., Vol. 28, p. 1053.)*

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## 1888.

### CONVENTION TO REMOVE DOUBTS AS TO THE MEANING OF THE CONVENTION OF 1885.

*Concluded March 15, 1888; ratification advised by the Senate June 18, 1888; ratified by the President August 7, 1888; ratifications exchanged June 3, 1889; proclaimed June 4, 1889. (U. S. Stats., Vol. 28, p. 1064.)*

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## 1888.

### CONVENTION EXTENDING THE TIME FOR RATIFICATION OF THE CONVENTION OF 1885.

*Concluded October 5, 1888; ratification advised by the Senate December 5, 1888; ratified by the President January 30, 1889; ratifications exchanged June 3, 1889; proclaimed June 4, 1889. (U. S. Stats., Vol. 28, p. 1067.)*

The commission authorized by the three above conventions to reopen and decide the awards under the Treaty of 1866, was organized in Washington, D. C., September 3, 1889, and adjourned September 2, 1890, awarding claims against Venezuela amounting to \$980,572.60.

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## 1892.

### CLAIMS CONVENTION.

*Concluded January 19, 1892; ratification advised by the Senate March 17, 1892; ratified by the President July 2, 1894; ratifications exchanged July 28, 1894; proclaimed July 30, 1894. (U. S. Stats., Vol. 28, p. 1183.)*

By this convention the claim of the Venezuelan Steam Transportation Company against Venezuela was referred to the arbitration of two commissioners and an umpire who rendered an award of \$141,800.

# WÜRTTEMBERG.

(SEE GERMAN EMPIRE.)

1844.

## CONVENTION ABOLISHING DROIT D'AUBAINE AND TAXES ON EMIGRATION.

*Concluded April 10, 1844; ratification advised by the Senate June 12, 1844; ratified by the President June 22, 1844; ratifications exchanged October 3, 1844; proclaimed December 16, 1844. (Treaties and Conventions, 1889, p. 1144.)*

### ARTICLES.

- |                                     |                           |
|-------------------------------------|---------------------------|
| I. Taxes abolished.                 | V. Civil suits.           |
| II. Disposal of real property.      | VI. Extent of convention. |
| III. Disposal of personal property. | VII. Ratification.        |
| IV. Property of absent heirs.       |                           |

The United States of America and His Majesty the King of Wurttemberg having resolved, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine & taxes on emigration, have named for this purpose their respective Plenipotentiaries, namely the President of the United States of America has conferred full powers on Henry Wheaton their Envoy extraordinary and Minister plenipotentiary at the Royal Court of Prussia and His Majesty the King of Wurttemberg upon Baron de Maucler, His Captain of the Staff and chargé d'Affaires at the said Court, who, after having exchanged their said full powers, found in due and proper form, have agreed to & signed the following articles:

#### ART. 1.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is, hereby, and shall remain abolished between the two contracting Parties, their States, citizens & subjects respectively.

#### ART. 2.

Where, on the death of any person holding real property within the territories of one Party, such real property would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same,—which term may be reasonably prolonged, according to circumstances,—and to withdraw the proceeds thereof, without molestation & exempt from all duties of detraction.

#### ART. 3.

The citizens or subjects of each of the contracting Parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise, and their heirs, legatees,



and donees, being citizens or subjects of the other contracting Party, shall succeed to their said personal property, and may take possession thereof, either by themselves, or by others acting for them,—and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies, shall be liable to pay in like cases.

## ART. 4.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country until the lawful owner, or the person who has the right to sell the same according to Article 2, may take measures to receive or dispose of the inheritance.

## ART. 5.

If any dispute should arise between different claimants to the same inheritance, they shall be decided in the last resort, according to the laws, and by the judges of the country where the property is situated.

## ART. 6.

All the stipulations of the present convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

## ART. 7.

This convention is concluded subject to the ratification of the President of the United States of America,—by & with the advice and consent of their Senate, and of His Majesty the King of Wurttemberg, and the ratifications thereof shall be exchanged at Berlin, within the term of twelve months from the date of the signature hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the above Articles, as well in English as in German, and have thereto affixed their seals.

Done in triplicata in the city of Berlin on the tenth day of April, One Thousand Eight Hundred & forty four, in the sixty eighth year of the Independence of the United States of America, and the twenty-eighth of the Reign of His Majesty the King of Wurttemberg.

[SEAL.] HENRY WHEATON  
[SEAL.] FREIHERR VON MAUCLER.

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1853.

## EXTRADITION.

The King of Württemberg, October 13, 1853, acceded to the extradition Treaty of 1852 with Prussia and the States of the Germanic Confederation, page 520.

1868.

## CONVENTION AS TO NATURALIZATION AND EXTRADITION.

*Concluded July 27, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged August 17, 1869; exchange of ratifications consented to by the Senate March 2, 1870; proclaimed March 7, 1870. (Treaties and Conventions, 1889, p. 1146.)*

## ARTICLES.

I. Naturalization recognized.  
 II. Liability for prior offenses.  
 III. Extradition treaty renewed.

IV. Renunciation of naturalization.  
 V. Duration.  
 VI. Ratification.

The President of the United States of America and His Majesty the King of Wurttemberg, led by the wish to regulate the citizenship of those persons, who emigrate from the United States of America to Wurttemberg, and from Wurttemberg to the territory of the United States of America, have resolved to treat on this subject and have for that purpose appointed plenipotentiaries, to conclude a convention, that is to say: The President of the United States of America;

George Bancroft, Envoy extraordinary and Minister plenipotentiary, and

His Majesty the King of Wurttemberg:

His Minister of the Royal House and of Foreign Affairs, Charles, Baron Varnbüler, who have agreed to and signed the following articles:

## ARTICLE 1.

Citizens of Wurttemberg who have become or shall become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years shall be held by Wurttemberg to be American citizens and shall be treated as such.

Reciprocally: citizens of the United States of America who have become or shall become naturalized citizens of Wurttemberg and shall have resided uninterruptedly within Wurttemberg five years shall be held by the United States to be citizens of Wurttemberg and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

## ARTICLE 2.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

## ARTICLE 3.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between Wurttemberg and the United States the <sup>16nd June 1862.</sup> <sub>13nd October 1863.</sub> remains in force without change.

## ARTICLE 4

If a Wurttemberger naturalized in America, renews his residence in Wurttemberg without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Reciprocally: if an American naturalized in Wurttemberg renews his residence in the United States without the intent to return to Wurttemberg, he shall be held to have renounced his naturalization in Wurttemberg.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

## ARTICLE 5.

The present convention shall go into effect immediately on the exchange of ratifications and shall continue in force for ten years. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention.

## ARTICLE 6.

The present convention shall be ratified by His Majesty the King of Wurttemberg with the consent of the Chambers of the Kingdom and by the President by and with the advice and consent of the Senate of the United States and the ratifications shall be exchanged at Stuttgart, as soon as possible, within twelve months from the date hereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Stuttgart the 27 of July, 1868.

[SEAL.]	GEO. BANCROFT.
[SEAL.]	FREIHERR VON VARNBÜLER.

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 PROTOCOL.

*Done at Stuttgart the 27. July, 1868.*

The undersigned met to day to sign the treaty agreed upon, in conformity with their respective full powers, relating to the citizenship of those persons, who emigrate from the United States of America to Wurttemberg and from Wurttemberg to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this treaty were entered in the following protocol.

I.—*Relating to the first article of the treaty:*

1) It is of course understood that not the naturalization alone, but a five years' uninterrupted residence is also required, before a person can be regarded as coming within the treaty; but it is by no means requisite, that the five years' residence should take place after the naturalization.

Yet it is hereby agreed, that, if citizens of the one state become legally naturalized in the other state before they have resided there five years, the persons so naturalized from the moment of their naturalization, have to exercise all civil rights and are liable to all civil duties in the state into which they have been adopted.

2) The words: "resided uninterruptedly" are obviously to be understood, not of a continual bodily presence, but in the legal sense; and therefore a transient absence, a journey or the like, by no means interrupts the period of five years contemplated by the first article.

*II.—Relating to the second article of the treaty:*

On the side of Wurttemberg, it is agreed that all former Wurtembergers, who under the first article of this treaty are to be held as American citizens may, whether they have emigrated before or after the age of liability to military service, return to their original country, free from military duties and penalties and with a claim to the delivery of the property which may have been sequestered, with the exception of those Wurttemberg emigrants liable to military duty who have taken to flight:

1) After their enrolment in the active army and before their discharge from the same, or

2) after they

a) have been called into service with the class of their age or on occasion of placing the military force on a war footing, or

b) have been present at a muster and been designated as a part of the contingent.

*III.—Relating to the fourth article of the treaty*

It is agreed that the fourth article shall *not* receive the interpretation, that the naturalized citizen of the one state who returns to the other state, his original country, and there takes up his residence, does by that act alone recover his former citizenship; nor can it be assumed, that the state to which the emigrant originally belonged, is bound to restore him at once to his original relation. On the contrary it is only intended to be declared; that the emigrant so returning, is authorized to acquire the citizenship of his former country, in the same manner as other aliens in conformity to the laws and regulations which are there established. Yet it is left to his own free choice, whether he will adopt that course, or will preserve the citizenship of the country of his adoption. With regard to this choice, after a two years' residence in his original country he is bound if so requested by the proper authorities, to make a distinct declaration, upon which these authorities can come to a decision as the case may be, with regard to his being received again into citizenship or his further residence in the manner prescribed by law.

[SEAL.] GEO. BANCROFT.  
[SEAL.] FREIHERR VON VARNBÜLER.

# ZANZIBAR.

(SEE MUSCAT.)

1886.

## TREATY AS TO DUTIES ON LIQUORS AND CONSULAR POWERS.

*Concluded July 3, 1886; ratification advised by the Senate, with amendments, April 12, 1888; ratified by the President April 20, 1888; ratifications exchanged June 29, 1888; proclaimed August 17, 1888. (Treaties and Conventions, 1889, p. 1209.)*

### ARTICLES.

I. Duty on liquors.  
II. Consular powers.

III. Ratification.

The Government of the United States of America and His Highness Barghash bin Said Sultan of Zanzibar, being mutually desirous to confirm and strengthen the friendly relations which now subsist between the two countries by enlarging and defining the treaty stipulations already existing between them in virtue of the Treaty<sup>1</sup> concluded on the 21<sup>st</sup> of September 1833, corresponding to the sixth day of the moon called Jamada Alawel in the year of the Allhajia 1249, between the United States of America and His Majesty Seyed Syed bin Sultan of Muscat (and Sovereign of Zanzibar), which Treaty has continued in force as to Zanzibar, and its dependencies after the separation of Zanzibar from Muscat, and has been expressly accepted, ratified and confirmed by His said Highness Barghash bin Said, Sultan of Zanzibar on the 20<sup>th</sup> of October 1879, corresponding to the 4<sup>th</sup> Zulkaadi, 1296, have resolved to conclude an additional treaty to that end and have appointed as their Plenipotentiaries to wit:—

The President of the United States of America, Frederic M. Cheney, Consul of the United States at Zanzibar, and His Highness the Sultan of Zanzibar his private secretary Mohamet Salim bin Mahommed Al Mavli, who having exhibited to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles.

### ARTICLE I.

Notwithstanding the provisions of Article III of the treaty above-mentioned, by which no more than five *per centum* duties shall be paid on the cargo landed from vessels of the United States entering any port within His Highness the Sultan's dominions, spirits and spirituous liquors containing more than 20 *per centum* by volume of alcohol, when imported into the dominions of His Highness the Sultan from abroad in vessels of the United States shall be subject to an

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<sup>1</sup>See Treaty of 1833, p. 435.

entry or import duty not exceeding *25 per centum ad valorem*.  
provided that no other or higher import duties shall be so levied  
collected upon spirits carried to Zanzibar in vessels of the United  
States than are levied and collected upon like imports of spirits  
the vessels of any other nation.

#### ARTICLE II.

The Consuls of the United States appointed under the stipulations  
of the IX<sup>th</sup> article of the Treaty abovementioned, shall in addition  
the rights, powers and immunities secured by said article, enjoy  
the rights, privileges, immunities and jurisdictional powers which  
now or may hereafter be enjoyed by the Consuls and Consular Agents  
of the most favored nations and conversely, the Consuls and Consular  
Agents which His Highness the Sultan may appoint to reside in the  
United States shall have the treatment of Agents of like grade of the  
most favored nation.

#### ARTICLE III.

This treaty shall be ratified and the ratifications exchanged at  
Zanzibar, as soon as possible.

Done in duplicate each copy being in the English and Arabic  
languages, at Zanzibar the third day of July 1886, corresponding to  
thirtieth day of the moon called Ramajan in the year of the Hegira  
1303.

FREDERIC M. CHENEY,	[SEALED]
U. S. Consul.	
MOHAMET SALIM BIN MAHOMMED ALI MAVLI.	[SEALED]



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**INTERNATIONAL CONVENTIONS AND ACTS TO WHICH  
THE UNITED STATES IS A PARTY.**

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# INTERNATIONAL CONVENTIONS AND ACTS TO WHICH THE UNITED STATES IS A PARTY.

1864.

## AMELIORATION OF THE CONDITION OF THE WOUNDED IN TIME OF WAR.

*Concluded at Geneva, Switzerland, August 22, 1864; ratifications exchanged by original signatories June 22, 1865; adhesions declared by the President March 1, 1882; accession advised by the Senate March 16, 1882; adhesion accepted by the Swiss Confederation June 9, 1882; proclaimed July 26, 1882. (Treaties and Conventions, 1889, p. 1150.)*

(The President's ratification of the act of accession, as transmitted to Berne and exchanged for the ratifications of the other signatory and adhesory powers, embraces the French text of the convention of August 22, 1864, and the additional articles of October 20, 1868. The French text is, therefore, for all international purposes, the standard one. The text printed here is from the proclamation of the President.

The adhesions of the following States has been communicated: Sweden, December 13, 1864; Greece, January 5-17, 1865; Great Britain, February 18, 1865; Mecklenburg-Schwerin, March 9, 1865; Turkey, July 5, 1865; Wurttemberg, June 2, 1866; Hesse, June 22, 1866; Bavaria, June 30, 1866; Austria, July 21, 1866; Russia, May 10-22, 1867; Persia, December 5, 1874; Roumania, November 18-30, 1874; Salvador, December 30, 1874; Montenegro, November 17-29, 1875; Servia, March 24, 1879; Bolivia, October 16, 1879; Chile, November 15, 1879; Argentine Republic, November 25, 1879; Peru, April 22, 1880.)

## ARTICLES.

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|--|--|
| I. Neutrality of ambulances and hospitals.       | VI. Care of sick and wounded; evacuations. |
| II. Neutrality of hospital employees.            | VII. Flag and arm-badge.                   |
| III. Extent of neutrality.                       | VIII. Regulation of details of execution.  |
| IV. Equipment.                                   | IX. Accession of other countries.          |
| V. Neutrality of persons caring for the wounded. | X. Ratification.                           |

The Swiss Confederation; His Royal Highness the Grand-Duke of Baden; His Majesty the King of the Belgians; His Majesty the King of Denmark; Her Majesty the Queen of Spain; His Majesty the Emperor of the French; His Royal Highness the Grand-Duke of Hesse; His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Prussia; His Majesty the King of Württemberg, being equally animated with the desire to soften, as much as depends on them, the evils of warfare, to suppress its useless hardships and

improve the fate of wounded soldiers on the field of battle, have resolved to conclude a convention to that effect, and have named for their plenipotentiaries, viz:

*The Swiss Confederation:*

Guillaume Henri Dufour, Grand Officer of the Imperial Order of the Legion of Honor, General in Chief of the federal army, Member of the Council of the State;

Gustave Moynier, President of the International Relief Committee for wounded soldiers and of the Geneva Society of Public Utility; and

Samuel Lehmann, federal Colonel, Doctor in Chief of the federal army, Member of the National Council;

*His Royal Highness the Grand Duke of Baden:*

Robert Volz, Knight of the Order of the Lion of Zæhringen, M. D., Medical Councillor at the Direction of Medical Affairs; and

Adolphe Steiner, Knight of the Order of the Lion of Zæhringen, Chief Staff Physician;

*His Majesty the King of the Belgians:*

Auguste Visschers, Officer of the Order of Leopold, Councillor at the Council of Mines;

*His Majesty the King of Denmark:*

Charles Emile Fenger, Commander of the Order of Danebrog, decorated with the silver cross of the same Order; Grand Cross of the Order of Leopold of Belgium, &c., &c., His Councillor of State;

*Her Majesty the Queen of Spain:*

Don José Heriberto García de Quevedo, Gentleman of her Chamber on active service, Knight of the Grand Cross of Isabella-the-Catholic, Numerary Commander of the Order of Charles III, Knight of the first class of the Royal and Military Order of St. Ferdinand, Officer of the Legion of Honor of France, Her Minister-Resident to the Swiss Confederation;

*His Majesty the Emperor of the French:*

Georges Charles Jagerschmidt, Officer of the Imperial Order of the Legion of Honor, Officer of the Order of Leopold of Belgium, Knight of the Order of the Red Eagle of Prussia of the third class, &c., &c., Sub-Director at the Ministry of Foreign Affairs;

Henri Eugène Séguineau de Préval, Knight of the Imperial Order of the Legion of Honor, decorated with the Imperial Order of the Medjidié of fourth class, Knight of the Order of Saints Maurice and Lazarus of Italy, &c., &c., military Sub-Commissioner of first class; and

Martin François Boudier, Officer of the Imperial Order of the Legion of Honor, decorated with the Imperial Order of the Medjidié of the fourth class, decorated with the medal of Military Valor of Italy, &c., &c., doctor in chief of second class;

*His Royal Highness the Grand-Duke of Hesse:*

Charles Auguste Brodrück, Knight of the Order of Philip the Magnanimous, of the Order of St. Michael of Bavaria, Officer of the Royal Order of the Holy Savior, &c., &c., Chief of Battalion, Staff Officer;

*His Majesty the King of Italy:*

Jean Capello, Knight of the Order of Saints Maurice and Lazarus, his Consul-General to Switzerland, and

Felix Baroffio, Knight of the Order of Saints Maurice and Lazarus, Doctor in Chief of medical division;

*His Majesty the King of the Netherlands:*

Bernard Ortuinus Theodore Henri Westenberg, Officer of His Order of the Crown of Oak, Knight of the Orders of Charles III of Spain, of

the Crown of Prussia, of Adolphe of Nassau, L. D., His Secretary of Legation at Frankfort;

*His Majesty the King of Portugal and of the Algarves:*

José Antonio Marques, Knight of the Order of Christ, of Our Lady of the Conception of Villa Viçiosa, of Saint Benedict of Aviz, of Leopold of Belgium, etc., M. D. Surgeon of Brigade, Sub-Chief to the Department of Health at the Ministry of War;

*His Majesty the King of Prussia:*

Charles Albert de Kamptz, Knight of the Order of the Red Eagle of second class, &c., &c., &c., His Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation, Private Councillor of Legation;

Godefroi Frederic François Loeffler, Knight of the Order of the Red Eagle of third class, etc., etc., M. D. Physician in Chief of the fourth Army Corps;

Georges Hermann Jules Ritter, Knight of the Order of the Crown of third class, etc., etc., Private Councillor at the Ministry of War;

*His Majesty the King of Würtemberg:*

Christophe Ulric Hahn, Knight of the Order of Saints Maurice and Lazarus, etc., Doctor of Philosophy and Theology, Member of the Central Royal Direction for Charitable Institutions,

Who, after having exchanged their powers, and found them in good and due form, agree to the following articles:

ARTICLE I. Ambulances and Military hospitals shall be acknowledged to be neuter, and, as such, shall be protected and respected by belligerents so long as any sick or wounded may be therein.

Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

ART. II. Persons employed in hospitals and ambulances, comprising the staff for superintendence, medical service, administration, transport of wounded, as well as chaplains, shall participate in the benefit of neutrality, whilst so employed, and so long as there remain any wounded to bring in or to succor.

ART. III. The persons designated in the preceding article may, even after occupation by the enemy, continue to fulfill their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong.

Under such circumstances, when these persons shall cease from their functions, they shall be delivered by the occupying army to the outposts of the enemy.

ART. IV. As the equipment of military hospitals remains subject to the laws of war, persons attached to such hospitals cannot, in withdrawing, carry away any articles but such as are their private property.

Under the same circumstances an ambulance shall, on the contrary, retain its equipment

ART. V. Inhabitants of the country who may bring help to the wounded shall be respected, and shall remain free. The generals of the belligerent Powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity, and of the neutrality which will be the consequence of it.

Any wounded man entertained and taken care of in a house shall be considered as a protection thereto. Any inhabitant who shall have entertained wounded men in his house shall be exempted from the quartering of troops, as well as from a part of the contributions of war which may be imposed.

Falcon of Saxe-Weimar, Knight of the Legion of Honor, decorated with the medal of St. Helena.

Bernard Ortuinus Theodore Henri Westenberg, L. D. Councillor of Legation of His Majesty the King of the Netherlands, Commander of the Oaken Crown, Grand Commander of the Order of St. Michael of Bavaria, Knight of the orders of Charles III of Spain, of the Crown of Prussia, of Danebrog, of Denmark, and of Adolphe of Nassau.

11. *Sweden and Norway:*

Ferdinand Nathaniel Staaf, Lieutenant Colonel, military attaché of the Legation of Sweden and Norway in Paris, Knight of the Royal Orders of the Sword of Sweden and of Saint Olaf of Norway, officer of the imperial order of the Legion of Honor, as well of Public Instruction in France, Knight of the imperial order of the Iron Crown of Austria, etc., etc.

12. *Switzerland:*

Guillaume Henri Dufour, ex-general in chief of the federal army, Grand Cross of the Legion of Honor.

Gustave Moynier, President of the International Committee for the relief of the wounded, officer of the order of Saints Maurice and Lazarus, Knight of first class of the Order of the Lion of Zæhringen, Knight of the Orders of the Polar Star and of Our Lady of the Conception of Villa-Viscosa, etc., etc.

Samuel Lehmann, Federal Colonel, physician in chief of the federal army, member of the National Council.

13. *Turkey:*

Husny Effendi, Major, military attaché of Turkey to Paris, decorated with the imperial order of Medjidié of the fifth class.

14. *Württemberg:*

Christophe Hahn, Doctor of philosophy and theology, member of the central direction for charitable institutions, President of the committee from Württemberg for the wounded, Knight of the Order of Frédéric and of Saints Maurice and Lazarus; Edouard Fichte, M. D. physician in chief of the army of Württemberg and the Order of the Crown of Prussia, of third class;

Who, having been duly authorized to that effect, agreed, under reserve of approbation from their governments, to the following dispositions:

ARTICLE I. The persons designated in Article II of the Convention shall, after the occupation by the enemy, continue to fulfill their duties, according to their wants, to the sick and wounded in the ambulance or the hospital which they serve. When they request to withdraw, the commander of the occupying troops shall fix the time of departure, which he shall only be allowed to delay for a short time in case of military necessity.

ART. II. Arrangements will have to be made by the belligerent powers to ensure to the neutralized person, fallen into the hands of the army of the enemy, the entire enjoyment of his salary.

ART. III. Under the conditions provided for in Articles I and IV of the Convention, the name "ambulance" applies to field hospitals and other temporary establishments, which follow the troops on the field of battle to receive the sick and wounded.

ART. IV. In conformity with the spirit of Article V of the Convention, and to the reservations contained in the protocol of 1864, it is explained that for the appointment of the charges relative to the quartering of troops, and of the contributions of war, account only shall be taken in an equitable manner of the charitable zeal displayed by the inhabitants.



ART. V. In addition to Article VI of the Convention, it is stipulated that, with the reservation of officers whose detention might be important to the fate of arms and within the limits fixed by the second paragraph of that article, the wounded fallen into the hands of the enemy shall be sent back to their country, after they are cured, or sooner if possible, on condition, nevertheless, of not again bearing arms during the continuance of the war.

ART. VI. The boats which, at their own risk and peril, during and after an engagement pick up the shipwrecked or wounded, or which having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, as far as the circumstances of the engagement and the position of the ships engaged will permit.<sup>1</sup>

The appreciation of these circumstances is entrusted to the humanity of all the combatants. The wrecked and wounded thus picked up and saved must not serve again during the continuance of the war.

ART. VII. The religious, medical, and hospital staff of any captured vessel are declared neutral, and, on leaving the ship, may remove the articles and surgical instruments which are their private property.

ART. VIII. The staff designated in the preceding article must continue to fulfil their functions in the captured ship, assisting in the removal of the wounded made by the victorious party; they will then be at liberty to return to their country, in conformity with the second paragraph of the first additional article.

The stipulations of the second additional article are applicable to the pay and allowance of the staff.

ART. IX. The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war.

The vessels not equipped for fighting, which, during peace, the government shall have officially declared to be intended to serve as floating hospital ships, shall, however, enjoy during the war complete neutrality, both as regards stores, and also as regards their staff, provided their equipment is exclusively appropriated to the special service on which they are employed.<sup>2</sup>

ART. X. Any merchantman, to whatever nation she may belong, charged exclusively with removal of sick and wounded, is protected by neutrality, but the mere fact, noted on the ship's books, of the vessel having been visited by an enemy's cruiser, renders the sick and wounded incapable of serving during the continuance of the war. The cruiser shall even have the right of putting on board an officer in order to accompany the convoy, and thus verify the good faith of the operation.

If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerents.

The belligerents retain the right to interdict neutralised vessels from all communication, and from any course which they may deem prejudicial to the secrecy of their operations. In urgent cases special

<sup>1</sup> During the war with Spain, 1898, Articles VI to XV, concerning naval forces, were adopted as a *modus vivendi* by the United States and Spain while the hostilities lasted, and a circular declaring that fact was issued by the Secretary of State May 13, 1898.

<sup>2</sup> This paragraph does not appear in the French text, and the right was reserved to omit it upon the exchange of ratifications.

conventions may be entered into between commanders-in-chief, in order to neutralize temporarily and in a special manner the vessels intended for the removal of the sick and wounded.

ART. XI. Wounded or sick sailors and soldiers, when embarked, to whatever nation they may belong, shall be protected and taken care of by their captors.

Their return to their own country is subject to the provisions of Article VI of the Convention, and of the additional Article V.

ART. XII. The distinctive flag to be used with the national flag, in order to indicate any vessel or boat which may claim the benefits of neutrality, in virtue of the principles of this Convention, is a white flag with a red cross. The belligerents may exercise in this respect any mode of verification which they may deem necessary.

Military hospital ships shall be distinguished by being painted white outside, with green strake.

ART. XIII. The hospital ships which are equipped at the expense of the aid societies, recognized by the governments signing this Convention, and which are furnished with a commission emanating from the sovereign, who shall have given express authority for their being fitted out, and with a certificate from the proper naval authority that they have been placed under his control during their fitting out and on their final departure, and that they were then appropriated solely to the purpose of their mission, shall be considered neutral, as well as the whole of their staff. They shall be recognized and protected by the belligerents.

They shall make themselves known by hoisting, together with their national flag, the white flag with a red cross. The distinctive mark of their staff, while performing their duties, shall be an armlet of the same colors. The outer painting of these hospital ships shall be white, with red strake.

These ships shall bear aid and assistance to the wounded and wrecked belligerents, without distinction of nationality.

They must take care not to interfere in any way with the movements of the combatants. During and after the battle they must do their duty at their own risk and peril.

The belligerents shall have the right of controlling and visiting them; they will be at liberty to refuse their assistance, to order them to depart, and to detain them if the exigencies of the case require such a step.

The wounded and wrecked picked up by these ships cannot be reclaimed by either of the combatants, and they will be required not to serve during the continuance of the war.

ART. XIV. In naval wars any strong presumption that either belligerent takes advantage of the benefits of neutrality, with any other view than the interest of the sick and wounded, gives to the other belligerent, until proof to the contrary, the right of suspending the Convention, as regards such belligerent.

Should this presumption become a certainty, notice may be given to such belligerent that the Convention is suspended with regard to him during the whole continuance of the war.

ART XV. The present Act shall be drawn up in a single original copy, which shall be deposited in the Archives of the Swiss Confederation.

An authentic copy of this Act shall be delivered, with an invitation to adhere to it, to each of the signatory Powers of the Convention of the 22d of August, 1864, as well as to those that have successively acceded to it.

In faith whereof, the undersigned commissaries have drawn up the present project of additional articles and have apposed thereunto the seals of their arms.

Done at Geneva, the twentieth day of the month of October, of the year one thousand eight hundred and sixty-eight.

VON RÖDER.

F. LÖFFLER.

KÖHLER.

DR. MUNDY.

STEINER.

DR. DOMPIERRE.

VISSCHERS.

J. B. G. GALIFFE.

D. FELICE BARROFIO.

PAOLO COTTRAU.

H. A. VAN KARNEBEEK.

WESTENBERG.

F. N. STAAFF.

G. H. DUFOUR.

G. MOYNIER.

A. COUPVENT DES BOIS.

H. DE PRÉVAL.

JOHN SAVILLE LUMLEY.

H. R. YELVERTON.

DR. S. LEHMANN.

HUSNY.

DR. C. HAHN.

DR. FICHTE.

1875.

# INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES.

*Concluded at Paris May 20, 1875; ratification advised by the Senate May 15, 1878; ratified by the President May 28, 1878; ratifications exchanged August 2, 1878; proclaimed September 27, 1878. (Treaties and Conventions, 1889, p. 1157.)*

(The treaty submitted to the Senate and attached to the proclamation is in the French language. The text here printed is from a translation made in the Department of State.)

## ARTICLES.

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| I. International Bureau of Weights and Measures established. | VIII. Prototypes of meter and kilogram.    |
| II. Special building.  | IX. Expenses.                              |
| III. International committee.                                | X. Contributions.                          |
| IV. General conferences.                                     | XI. Contributions from acceding countries. |
| V. Regulations.  | XII. Future modifications.                 |
| VI. Duties of the bureau.                                    | XIII. Duration.                            |
| VII. Bureau officials.                                       | XIV. Ratification.                         |

[Translation.]

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, His Majesty the Emperor of Austria-Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Argentine Confederation, His Majesty the King of Denmark, His Majesty the King of Spain, His Excellency the President of the French Republic, His Majesty the King of Italy, His Excellency the President of the Republic of Peru, His Majesty the King of Portugal and the Algarves, His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway, His Excellency the President of the Swiss Confederation, His Majesty the Emperor of the Ottomans, and His Excellency the President of the Republic of Venezuela, desiring international uniformity and precision in standards of weight and measure,

have resolved to conclude a convention to this effect, and have named as their plenipotentiaries the following:

His Excellency the President of the United States of America: Mr. Elihu Benjamin Washburne, Envoy Extraordinary and Minister Plenipotentiary of the United States at Paris;

His Majesty the Emperor of Germany: His Highness Prince Hohenlohe-Schillingsfürst, Grand Cross of the Order of the Red Eagle of Prussia, and of the Order of St. Hubert of Bavaria, &c., &c., &c., his Ambassador Extraordinary and Plenipotentiary at Paris;

His Majesty the Emperor of Austria-Hungary: His Excellency Count Apponyi, his Actual Chamberlain and Privy Counselor, Knight of the Golden Fleece, Grand Cross of the Royal Order of St. Stephen of Hungary, and of the Imperial Order of Leopold, &c., &c., &c., his Ambassador Extraordinary and Plenipotentiary at Paris;

His Majesty the King of the Belgians: Baron Beyens, Grand Officer of his Order of Leopold, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of Brazil: Mr. Marcus Antonio d'Araujo, Viscount d'Itajuba, Grandee of the Empire, member of His Majesty's Council, Commander of his Order of Christ, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the Argentine Confederation: Mr. Balcarce, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Confederation at Paris;

His Majesty the King of Denmark: Count de Moltke-Hvitfeldt, Grand Cross of the Order of Dannebrog, and decorated with the Cross of Honor of the same order, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Spain: His Excellency Don Mariano Roca de Togores, Marquis de Molins, Viscount de Rocamora, Grandee of Spain of the First Class, Knight of the Renowned Order of the Golden Fleece, Grand Cross of the Legion of Honor, &c., &c., &c., Director of the Royal Spanish Academy, his Ambassador Extraordinary and Plenipotentiary at Paris; and General Ibañez, Grand Cross of the Order of Isabella the Catholic, &c., &c., Director General of the Geographical and Statistical Institute of Spain, Member of the Academy of Sciences;

His Excellency the President of the French Republic: The Duke Decazes, deputy to the National Assembly; Commander of the Order of the Legion of Honor, &c., &c., &c., Minister of Foreign Affairs; the Viscount de Meaux, deputy to the National Assembly, Minister of Agriculture and of Commerce; and Mr. Dumas, Perpetual Secretary to the Academy of Sciences, Grand Cross of the Order of the Legion of Honor;

His Majesty the King of Italy: The Chevalier Constantino Nigra, Knight of the Grand Cross of his Orders of St. Maurice and St. Lazarus, and of the Crown of Italy, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the republic of Peru: Mr. Pedro Galvez, Envoy Extraordinary and Minister Plenipotentiary of Peru at Paris; and Mr. Francisco de Rivero, formerly Envoy Extraordinary and Minister Plenipotentiary of Peru;

His Majesty the King of Portugal and of the Algarves: Mr. José da Silva Mendes Leal, Peer of the Realm, Grand Cross of the Order of

Saint James, Knight of the Order of the Tower, and Sword of Portugal, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of all the Russias: Mr. Gregory Okouneff, Knight of the Russian Orders of St. Anne of the first class, of St. Stanislaus of the first class, of St. Vladimir of the third class, Commander of the Legion of Honor, Actual Counselor of State, Counselor of the Embassy of Russia at Paris;

His Majesty the King of Sweden and Norway: Baron Adelswärd, Grand Cross of the Order of the Polar Star of Sweden, and of St. Olaf of Norway, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the Swiss Confederation: Mr. Jean Conrad Kern, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at Paris;

His Majesty the Emperor of the Ottomans: Husny Bey, Lieutenant-Colonel of Staff, wearer of a fourth-class decoration of the Imperial Order of Osmania, of a fifth-class decoration of the Order of Medjidie, Officer of the Legion of Honor, &c., &c., &c.;

His Excellency the President of the Republic of Venezuela: Doctor Eliseo Acosta,

Who, after having exhibited their full powers, which were found to be in good and due form, have agreed upon the following articles:

#### ARTICLE 1.

The high contracting parties engage to establish and maintain, at their common expense, a scientific and permanent international bureau of weights and measures, the location of which shall be at Paris.

#### ARTICLE 2.

The French Government shall take all the necessary measures to facilitate the purchase, or, if expedient, the construction, of a building which shall be especially devoted to this purpose, subject to the conditions stated in the regulations which are subjoined to this convention.

#### ARTICLE 3.

The operation of the international bureau shall be under the exclusive direction and supervision of an international committee of weights and measures, which latter shall be under the control of a general conference for weights and measures, to be composed of the delegates of all the contracting governments.

#### ARTICLE 4.

The general conference for weights and measures shall be presided over by the president for the time being of the Paris Academy of Sciences.

#### ARTICLE 5.

The organization of the bureau, as well as the formation and the powers of the international committee, and of the general conference for weights and measures, are established by the regulations subjoined to this convention.



## ARTICLE 6.

The international bureau of weights and measures shall be charged with the following duties:

1st. All comparisons and verifications of the new prototypes of the meter and kilogram.

2d. The custody of the international prototypes.

3d. The periodical comparison of the national standards with the international prototypes and with their test copies, as well as comparisons of the standard thermometers.

4th. The comparison of the prototypes with the fundamental standards of non-metrical weights and measures used in different countries for scientific purposes.

5th. The sealing and comparison of geodesic measuring-bars.

6th. The comparison of standards and scales of precision, the verification of which may be requested by governments or by scientific societies, or even by constructors or men of science.

## ARTICLE 7.

The persons composing the bureau shall be a director, two assistants, and the necessary number of employés. When the comparison of the new prototypes shall have been finished, and when these prototypes shall have been distributed among the different states, the number of persons composing the bureau shall be reduced so far as may be deemed expedient.

The governments of the high contracting parties will be informed by the international committee of the appointment of the persons composing this bureau.

## ARTICLE 8.

The international prototypes of the meter and of the kilogram, together with the test copies of the same, shall be deposited in the bureau, and access to them shall be allowed to the international committee only.

## ARTICLE 9.

The entire expense of the construction and outfit of the international bureau of weights and measures, together with the annual cost of its maintenance and the expenses of the committee, shall be defrayed by contributions from the contracting states, the amount of which shall be computed in proportion to the actual population of each.

## ARTICLE 10.

The amounts representing the contributions of each of the contracting states shall be paid at the beginning of each year, through the ministry of foreign affairs of France, into the *Caisse de dépôts et consignations* at Paris, whence they may be drawn as occasion may require, upon the order of the director of the bureau.

## ARTICLE 11.

Those governments which may take advantage of the privilege open to every state, of acceding to this convention, shall be required to pay a contribution, the amount of which shall be fixed by the committee on the basis established in article 9, and which shall be devoted to the improvement of the scientific apparatus of the bureau.



## ARTICLE 12.

The high contracting parties reserve to themselves the power of introducing into the present convention, by common consent, any modifications the propriety of which may have been shown by experience.

## ARTICLE 13.

At the expiration of twelve years this convention may be abrogated by any one of the high contracting parties, so far as it is concerned.

Any government which may avail itself of the right of terminating this convention, so far as it is concerned, shall be required to give notice of its intentions one year in advance, and by so doing shall renounce all rights of joint ownership in the international prototypes and in the bureau.

## ARTICLE 14.

This Convention shall be ratified according to the constitutional laws of each state, and the ratifications shall be exchanged in Paris within six months, or sooner, if possible.

It shall take effect on the first day of January, 1876.

In testimony whereof the respective plenipotentiaries have attached their signatures and have hereunto affixed their seals of arms.

Done at Paris, May 20, 1875.

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E. B. WASHBURNE.  
HOHENLOHE.  
APPONYI.  
BEYENS.  
VISCOUNT D'ITAJUBA.  
M. BALCARCE.  
MOLTKE-HVITFELDT.  
MARQUIS DE MOLINS.  
CÁRLOS IBAÑEZ.  
DECAZES.  
C. DE MEAUX. }  
N. DUMAS. }  
NIGRA.  
P. GALVEZ.  
FRAN'CO DE RIVERO.  
JOSÉ DA SILVA MENDES LEAL.  
OKOUNEFF.

For M. le BARON ADELSWÄRD (prevented).

[SEAL.]  
[SEAL.]  
[SEAL.]  
[SEAL.]

H. ÅKERMAN.  
KERN.  
HUSNY.  
E. ACOSTA.

## APPENDIX No. 1.

## REGULATIONS.

## ARTICLE 1.

The international bureau of weights and measures shall be established in a special building, possessing all the necessary safeguards of stillness and stability.

It shall comprise, in addition to the vault, which shall be devoted to the safe-keeping of the prototypes, rooms for mounting the comparators and balances; a laboratory, a library, a room for the archive work-rooms for the employes, and lodgings for the watchmen and attendants.

#### ARTICLE 2.

It shall be the duty of the international committee to acquire and fit up the aforesaid building and to set in operation the work for which it was designed.

In case of the committee's inability to obtain a suitable building one shall be built under its directions and in accordance with its plan.

#### ARTICLE 3.

The French Government shall, at the request of the international committee, take the necessary measures to cause the bureau to be recognized as an establishment of public utility.

#### ARTICLE 4.

The international committee shall cause the necessary instruments to be constructed, such as comparators for the standards of line and end measures, apparatus for the determination of absolute dilatation, balances for weighing in air and in vacuo, comparators for geodetic measuring-bars, &c.

#### ARTICLE 5.

The entire expense incurred in the purchase or construction of the building, and in the purchase and placing of the instruments and apparatus, shall not exceed 400,000 francs.

#### ARTICLE 6.

The estimate of annual expenditures is as follows:

A. For the first period—during the construction and comparison of the new prototypes—

(a) Salary of the director.....	15,000 f
" of two adjuncts, at 6,000 fr. each .....	12,000
" of four assistants, at 3,000 fr. each .....	12,000
Pay of door-keeper, (mechanic).....	3,000
Wages of two office-boys, at 1,500 fr. each.....	3,000
<b>Total for salaries.....</b>	<b>45,000</b>
(b) Compensation to men of science and artists who, by direction of the committee, may be employed to perform special duties, keeping of the building in proper order, purchase and repair of apparatus, fuel, light, and office-expenses .....	24,000
(c) Compensation of the secretary of the international committee of weights and measures .....	6,000
<b>Total .....</b>	<b>75,000</b>

The annual budget of the bureau may be modified by the international committee as necessity may require at the suggestion of the director, but it shall in no case exceed the sum of 100,000 francs.

The contracting governments shall be notified of any modification that the committee may think proper to make within these limits, in the annual budget fixed by the present regulations.

The committee may authorize the director, at his request, to make transfers from one subdivision of the allotted budget to another.

B. For the period subsequent to the distribution of the prototypes:

(a) Salary of the director.....	15,000 fr.
"    one adjunct.....	6,000
Pay of a door-keeper, (mechanic).....	3,000
Wages of an office-boy.....	1,500
	<hr/>
	25,500
(b) Office-expenses .....	18,500
(c) Compensation of secretary, international committee.....	6,000
	<hr/>
Total .....	50,000

#### ARTICLE 7.

The general conference mentioned in article 3 of this convention shall be at Paris, upon the summons of the international committee, at least once every six years.

It shall be its duty to discuss and initiate measures necessary for the dissemination and improvement of the metrical system, and to pass upon such new fundamental metrological determinations as may have been made during the time when it was not in session. It shall receive the report of the international committee concerning the work that has been accomplished, and shall replace one-half of the international committee by secret ballot.

The voting in the general conference shall be by states; each state shall be entitled to one vote.

Each of the members of the international committee shall be entitled to a seat at the meetings of the conference. They may at the same time be delegates of their governments.

#### ARTICLE 8.

The international committee mentioned in article 3 of the convention shall be composed of fourteen members, who shall belong to different states.

It shall consist, at first, of the twelve members of the former permanent committee of the international commission of 1872, and of the two delegates who, at the time of the appointment of that permanent committee, received the largest number of votes next to the members who were elected.

At the time of the renewal of one-half of the international committee, the retiring members shall be, first, those who, in cases of vacancy, may have been elected provisionally during the interval occurring between two sessions of the conference. The others shall be designated by lot.

The retiring members shall be re-eligible.

#### ARTICLE 9.

The international committee shall direct the work connected with the verification of the new prototypes, and, in general, all the metrological labors, as the high contracting parties may decide to have performed at the common expense. It shall, moreover, exercise supervision over the safe-keeping of the international prototype.

## ARTICLE 10.

The international committee shall choose its chairman and secretary by secret ballot. The governments of the high contracting parties shall be notified of the result of such elections.

The chairman and secretary of the committee, and the director of the bureau, must belong to different countries.

After having been formed, the committee shall hold no new election and make no new appointments until three months after notice thereof shall have been given to all the members by the bureau of the committee.

## ARTICLE 11.

Until the new prototypes shall have been finished and distributed the committee shall meet at least once a year. After that time its meetings shall be held at least biennially.

## ARTICLE 12.

Questions upon which a vote is taken in the committee shall be decided by a majority of the votes cast. In case of a tie, the vote of the chairman shall decide. No resolution shall be considered to have been duly adopted unless the number of members present be at least equal to a majority of the members composing the committee.

This condition being fulfilled, absent members shall have the right to authorize members who are present to vote for them, and the members thus authorized shall furnish proper evidence of their authorization. The same shall be the case in elections by secret ballot.

## ARTICLE 13.

During the interval occurring between two sessions, the committee shall have the right to discuss questions by correspondence.

In such cases, in order that its resolutions may be considered to have been adopted in due form, it shall be necessary for all the members of the committee to have been called upon to express their opinions.

## ARTICLE 14.

The international committee for weights and measures shall provisionally fill such vacancies as may occur in it; these elections shall take place by correspondence, each of the members being called upon to take part therein.

## ARTICLE 15.

The international committee shall prepare detailed regulations for the organization and the labors of the bureau, and shall fix the amounts to be paid for the performance of the extraordinary duties provided for in article 6 of this convention.

Such amounts shall be applied to the improvement of the scientific apparatus of the bureau.

## ARTICLE 16.

All communications from the international committee to the governments of the high contracting parties shall take place through the diplomatic representatives of such countries at Paris.

For all matters requiring the attention of the French authorities, the committees shall have recourse to the ministry of foreign affairs of France.

#### ARTICLE 17.

The director of the bureau and the adjuncts shall be chosen by the international committee by secret ballot.

The employés shall be appointed by the director.

The director shall have a right to take part in the deliberations of the committee.

#### ARTICLE 18.

The director of the bureau shall have access to the place of deposit of the international prototypes of the meter and the kilogram only in pursuance of a resolution of the committee and in the presence of two of its members.

The place of deposit of the prototypes shall be opened only by means of three keys, one of which shall be in possession of the director of the archives of France, the second in that of the chairman of the committee, and the third in that of the director of the bureau.

The standards of the class of national prototypes alone shall be used for the ordinary comparing work of the bureau.

#### ARTICLE 19.

The director of the bureau shall annually furnish to the committee: 1st. A financial report concerning the accounts of the preceding year, which shall be examined, and, if found correct, a certificate to that effect shall be given him; 2d. A report on the condition of the apparatus; 3d. A general report concerning the work accomplished during the course of the year just closed.

The international committee shall make to each of the governments of the high contracting parties an annual report concerning all its scientific, technical, and administrative operations, and concerning those of the bureau. The chairman of the committee shall make a report to the general conference concerning the work that has been accomplished since its last session.

The reports and publications of the committee shall be in the French language. They shall be printed and furnished to the governments of the high contracting parties.

#### ARTICLE 20.

The contributions referred to in article 9 of the convention shall be paid according to the following scale:

The number representing the population, expressed in millions, shall be multiplied by the coefficient three for states in which the use of the metrical system is obligatory;

by the coefficient two for those in which it is optional;

by the coefficient one for other states.

The sum of the products thus obtained will furnish the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

#### ARTICLE 21.

The expense of constructing the international prototypes, and the standards and test copies which are to accompany them, shall be defrayed by the high contracting parties in accordance with the scale fixed in the foregoing article.

The amounts to be paid for the comparison and verification of standards required by states not represented at this convention shall be regulated by the committee in conformity with the rates fixed in virtue of article 15 of the regulations.

#### ARTICLE 22.

These regulations shall have the same force and value as the convention to which they are annexed.

(Signed)

E. B. WASHBURN.

HOHENLOHE.

APPONYI.

BEYENS.

VISCOUNT D'ITAJUBA.

M. BALCARCE.

MOLTKE-HVITFELDT.

MARQUIS DE MOLINS.

CÁRLOS IBAÑEZ.

DECAZES.

C. DE MEAUX.

DUMAS.

NIGRA.

P. GALVEZ.

FRAN'CO DE RIVERO.

JOSÉ DA SILVA MENDES LEAL.

OKOUNEFF.

For M. le BARON ADELSWÄRD, (prevented),

H. ÅKERMAN.

KERN.

HUSNY.

E. ACOSTA.

#### APPENDIX NO. 2.

#### TRANSIENT PROVISIONS.

##### ARTICLE 1.

All states which were represented at the international meter commission which met at Paris, in 1872, whether they are contracting parties to the present convention or not, shall receive the prototypes that they may have ordered, which shall be delivered to them in the condition guaranteed by the said international commission.

##### ARTICLE 2.

The principal object of the first meeting of the general conference of weights and measures shall be to sanction these new prototypes, and to distribute them among the states which shall have expressed a desire to receive them.

In consequence, the delegates of all the governments which were represented in the international commission of 1872, as likewise the members of the French section, shall, of right, form part of this first meeting for the sanction of the prototypes.



## ARTICLE 3.

It shall be the duty of the international committee mentioned in Article 3 of the convention, and composed as provided in Article 8 of the regulations, to receive and compare the new prototypes one with the other, in accordance with the scientific decisions of the international commission of 1872, and of its permanent committee. Such modifications may, however, be made as may in future be suggested by experience.

## ARTICLE 4.

The French section of the international commission of 1872 shall continue to have charge of the labors intrusted to it in the construction of the new prototypes, with the co-operation of the international committee.

## ARTICLE 5.

The cost of manufacturing the metrical standards prepared by the French section shall be reimbursed by the governments interested, according to the cost-price per unit which shall be fixed by the said section.

## ARTICLE 6.

The immediate formation of the international committee is authorized, and that body, when formed, is hereby empowered to make all necessary preparatory examinations for the carrying into effect of the convention, without, however, incurring any expense before the exchange of the ratifications of the said convention.

E. B. WASHBURNE.

HOHENLOHE.

APPONYI.

BEYENS.

VISCOUNT D'ITAJUBA.

M. BALCARCE.

MOLTKE-HVITFELDT.

MARQUIS DE MOLINS.

CÁRLOS IBAÑEZ.

DECAZES.

C. DE MEAUX.

DUMAS.

NIGRA.

P. GALVEZ.

FRAN'CO DE RIVERO.

JOSÉ DA SILVA MENDES LEAL.

OKOUNEFF.

For M. le BARON ADELSWÄRD (prevented).

H. ÅKERMAN.

KERN.

HUSNY.

E. ACOSTA.

1883.

## CONVENTION FOR INTERNATIONAL PROTECTION OF INDUSTRIAL PROPERTY.

*Concluded at Paris March 20, 1883; adhesion advised by the Senate March 2, 1887; ratified by the President March 29, 1887; accession announced to Swiss Confederation May 30, 1887; proclaimed June 11, 1887. (Treaties and Conventions, 1889, p. 1168.)*

(The text is reprinted from the proclamation of the President, the original Convention being in the French language.)

## ARTICLES.

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| <p>I. Union for protection of industrial property formed.</p> <p>II. Mutual protection of patents, trade-marks, and commercial names.</p> <p>III. Protection of alien residents.</p> <p>IV. Protection to applicants.</p> <p>V. Introduction by patentee of articles patented in other countries.</p> <p>VI. Deposit of trade-marks.</p> <p>VII. Articles protected.</p> <p>VIII. Commercial names protected.</p> <p>IX. Seizure of unlawfully marked goods.</p> | <p>X. Articles with false place of origin.</p> <p>XI. Temporary protection to articles at expositions.</p> <p>XII. Central depot of information.</p> <p>XIII. International bureau established.</p> <p>XIV. International conferences.</p> <p>XV. Special diplomatic conventions.</p> <p>XVI. Adhesion of other States.</p> <p>XVII. Laws to be enacted.</p> <p>XVIII. Duration.</p> <p>XIX. Ratification.</p> <p>Protocol.</p> |
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[Translation.]

His Majesty the King of the Belgians; His Majesty the Emperor of Brazil; His Majesty the King of Spain; The President of the French Republic; The President of the Republic of Guatemala; His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and the Algarves; the President of the Republic of Salvador; His Majesty the King of Servia; the Federal Council of the Swiss Confederation;

Equally animated by the desire to assure, by common accord, a complete and efficacious protection to the industry and commerce of the subjects of their respective states and to contribute to the safeguard of the rights of inventors, and to the loyalty of commercial transactions, have resolved to conclude a Convention to that effect, and have named as their Plenipotentiaries the following:

His Majesty the King of the Belgians: Baron Beyens, Grand Officer of His Royal Order of Léopold, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of Brazil: Mr. Jules Constant, Count de Villeneuve, Member of the Council of His Majesty, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, Commander of the Order of Christ, Officer of His Order of the Rose, Knight of the Legion of Honor, etc.;

His Majesty the King of Spain: His Excellency the Duke de Fernan Nuñez, de Montellano, and Del Arco, Count de Cervellon, Marquis of Almonacir, Grandee of Spain of the 1<sup>st</sup> Class, Knight of the distinguished Order of the Golden Fleece, Grand Cross of the Order of Charles III, Knight of Calatrava, Grand Cross of the Legion of Honor, etc., Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Paris;<sup>1</sup>

<sup>1</sup> Including Cuba, Porto Rico, and the Philippines.

The President of the French Republic: Mr. Paul Challemel Lacour, Senator, Minister of Foreign Affairs; Mr. Hérissou, Deputy, Minister of Commerce; Mr. Charles Jagerschmidt, Minister Plenipotentiary of 1<sup>st</sup> Class, Officer of the National Order of the Legion of Honor;<sup>1</sup>

The President of the Republic of Guatemala: Mr. Crisanto Medina, Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Italy: Mr. Constantin Ressaun, Commander of His Orders of St. Maurice and St. Lazarus, and of the Crown of Italy, Commander of the Legion of Honor, etc., Counsellor of the Embassy of Italy at Paris;

His Majesty the King of the Netherlands: Baron de Zuylen de Nyevelt, Commander of His Order of the Lion of the Netherlands, Grand Cross of His Grand Ducal Order of the Oaken Crown and of the Golden Lion of Nassau, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Portugal and the Algarves: Mr. José da Silva Mendes Leal, Counsellor of State, Peer of the Kingdom, Minister and Honorary Secretary of State, Grand Cross of the Order of St. James, Knight of the Order of the Tower and of the Sword of Portugal, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. Fernand de Azevedo, Officer of the Legion of Honor, etc., First Secretary of the Legation of Portugal at Paris;<sup>2</sup>

The President of the Republic of Salvador: Mr. Torres Caicedo, Corresponding Member of the Institute of France, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;<sup>3</sup>

His Majesty the King of Servia: Mr. Sima M. Marinovitch, Chargé d'Affaires ad interim of Servia, Knight of the Royal Order of Takovo, etc.;

And the Federal Council of the Swiss Confederation: Mr. Charles Edward Lardy, its Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. J. Weibel, Engineer at Geneva, President of the Swiss Section of the permanent Commission for the protection of Industrial Property.

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles:

#### ARTICLE I.

The Governments of Belgium, of Brazil, of Spain, of France, of Guatemala, of Italy, of the Netherlands, of Portugal, of Salvador, of Servia and of Switzerland, have constituted themselves into a state of Union for the protection of Industrial Property.

#### ARTICLE II.

The subjects or citizens of each of the contracting States shall enjoy, in all the other States of the Union, so far as concerns patents for

<sup>1</sup> Including Martinique, Guadeloupe and dependencies, Reunion and dependency (Saint Mary of Madagascar), Cochinchina, St. Pierre, Miquelon, Guiana, Senegal and dependencies (Rivières du Sud, Grand Bassam, Assinie, Porto Novo and Kotonou), the Congo and of the Gaboon, Mayotte, Nossi-Bé, the French Establishments in India (Pondicherry, Chandernagore, Karikal, Mahé, Yanam), New Caledonia, the French Establishments in Oceania (Tahiti and dependencies), Obock and Diégo-Suarez.

<sup>2</sup> Including the Azores and Madeira.

<sup>3</sup> Salvador withdrew August 17, 1887.

inventions, trade or commercial marks, and the commercial name, the advantages that the respective laws thereof at present accord, or shall afterwards accord to subjects or citizens. In consequence they shall have the same protection as these latter, and the same legal recourse against all infringements of their rights, under reserve of complying with the formalities and conditions imposed upon subjects or citizens by the domestic legislation of each State.<sup>1</sup>

### ARTICLE III.

Are assimilated to the subjects or citizens of the contracting States, the subjects or citizens of States not forming part of the Union, who are domiciled or have industrial or commercial establishments upon the territory of one of the States of the Union.

### ARTICLE IV.

Any one who shall have regularly deposited an application for a patent of invention, of an industrial model, or design, of a trade or commercial mark, in one of the contracting States, shall enjoy for the purpose of making the deposit in the other States, and under reserve of the rights of third parties, a right of priority during the periods hereinafter determined.

In consequence, the deposit subsequently made in one of the other States of the Union, before the expiration of these periods can not be invalidated by acts performed in the interval, especially by another deposit, by the publication of the invention or its working by a third party, by the sale of copies of the design or model, by the employment of the mark.

The periods of priority above mentioned shall be six months for patents of invention and three months for designs or industrial models, as well as for trade or commercial marks. They shall be augmented by one month for countries beyond the seas.

### ARTICLE V.

The introduction by the patentee into countries where the patent has been granted, of articles manufactured in any other of the States of the Union, shall not entail forfeiture.

The patentee, however, shall be subject to the obligation of working his patent conformably to the laws of the country into which he has introduced the patented articles.

### ARTICLE VI.

Every trade or commercial mark regularly deposited in the country of origin shall be admitted to deposit and so protected in all the other countries of the Union.<sup>2</sup>

Shall be considered as country of origin, the country where the depositor has his principal establishment.

If this principal establishment is not situated in one of the countries of the Union, shall be considered as country of origin that to which the depositor belongs.

The deposit may be refused, if the object, for which it is asked, is considered contrary to morals and to public order.

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<sup>1</sup>See p. 689.

<sup>2</sup>See p. 689.

## ARTICLE VII.

The nature of the production upon which the trade or commercial mark is to be affixed can not in any case be an obstacle to the deposit of the mark.

## ARTICLE VIII.

The commercial name shall be protected in all the countries of the Union without obligation of deposit, whether it forms part or not, of a trade or commercial mark.

## ARTICLE IX.

Every production bearing unlawfully a trade or commercial mark, or a commercial name, may be seized upon importation into those of the States of the Union in which such mark or such commercial name has a right to legal protection.

The seizure shall take place either at the instance of the public prosecutor or of the interested party, conformably to the domestic legislation of each State.

## ARTICLE X.

The provisions of the preceding article shall be applicable to every production bearing falsely as indication of origin, the name of a stated locality, when this indication shall be joined to a fictitious commercial name or a name borrowed with fraudulent intention.

Is reputed interested party every manufacturer or trader engaged in the manufacture or sale of this production, when established in the locality falsely indicated as the place of export.

## ARTICLE XI.

The High Contracting parties engage between themselves to accord a temporary protection to patentable inventions, to industrial designs or models as well as to trade or commercial marks for the productions, which may figure at official or officially recognized International Exhibitions.

## ARTICLE XII.

Each one of the High Contracting parties engages to establish a special service of Industrial Property and a Central Dépôt, for giving information to the public concernings patents of invention, industrial designs or models and trade or commercial marks.

## ARTICLE XIII.

An International Office shall be organized under the title of "International Bureau of the Union for the Protection of Industrial Property."

This Bureau, the cost of which shall be supported by the Governments of all the contracting States, shall be placed under the high

authority of the Superior Administration of the Swiss Confederation, and shall work under its supervision. Its powers shall be determined by common accord between the States of the Union.

#### ARTICLE XIV.

The present convention shall be submitted to periodical revisions for the purpose of introducing improvements calculated to perfect the system of the Union.

With this object, Conferences shall take place successively in one of the contracting States between the delegates of said States.

The next meeting shall take place in 1885 at Rome.

#### ARTICLE XV.

It is understood that the High Contracting parties respectively reserve the right to make, separately, between themselves, special arrangements for the protection of industrial property, so far as these arrangements shall not interfere with the provisions of the present convention.

#### ARTICLE XVI.

The States that have not taken part in the present convention shall be admitted to adhere to the same upon their application.

This adhesion shall be notified through the diplomatic channel to the Government of the Swiss Confederation and by the latter to all the others.

It shall convey, of full right, accession to all the clauses and admission to all the advantages stipulated by the present convention.

#### ARTICLE XVII.

The execution of the reciprocal engagements continued in the present convention is subordinated so far as needful, to the accomplishment of the formalities and rules established by the Constitutional laws of such of the High Contracting parties as are bound to ask the application thereof, which they agree to do within the shortest delay possible.

#### ARTICLE XVIII.

The present convention shall be put into execution within a month after exchange of ratifications, and shall remain in force during a period of time not determined, until the expiration of one year from the day upon which the denunciation shall be made.

This denunciation shall be addressed to the Government empowered to receive adhesions. It shall only produce its effect as regards the State making it, the convention remaining executory for the other contracting parties.

#### ARTICLE XIX.

The present Convention shall be ratified and the ratifications shall be exchanged at Paris, within the period of one year at the latest.



In witness whereof the respective Plenipotentiaries have signed it and affixed to it their seals.

Done at Paris the 20<sup>th</sup> of March, 1883.

Signed	BEYENS.
"	VILLENEUVE.
"	DUC DE FERNAN-NUÑEZ.
"	P. CHALLEMEL-LACOUR.
"	CH. HÉRISSE.
"	CH. JAGERSCHMIDT.
"	CRISANTO MEDINA.
"	RESSMAN.
"	BARON DE ZUYLEN DE NYEVELT.
"	JOSÉ DA SILVA MENDES LEAL.
"	F. D'AZEVEDO.
"	J. M. TORRES-CAICEDO.
"	SIMA M. MARINOVITCH.
"	LARDY.
"	J. WEIBEL.

#### FINAL PROTOCOL.

On proceeding to the signature of the Convention, concluded this day between the Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, the Netherlands, Portugal, Salvador, Servia and Switzerland, for the protection of Industrial Property, the undersigned Plenipotentiaries have agreed on the following:

1. The words *Industrial Property* are to be understood in their widest acceptation, in the sense that they apply not only to the productions of industry property so called, but equally to the productions of agriculture (wines, grains, fruits, cattle, etc.) and to mineral productions used in commerce (mineral waters, etc.).

2. Under the name *Patents of Inventions* are included the various classes of industrial patents granted by the laws of the contracting States, such as patents of importation, patents of improvement, etc.

3. It is understood that the final provision of article 2 of the Convention shall in no respect infringe upon the laws of each of the contracting States, so far as concerns the procedure before the courts and the competence of the said courts.

4. Paragraph 1 of article 6 is to be understood in the sense that no trade or commercial mark shall be excluded from protection, in one of the States of the Union, by the mere fact that it may not satisfy, in respect to the signs composing it, the conditions of the laws of this State, provided that it does satisfy, in this regard, the laws of the country of origin, and that it has been, in this latter country, duly deposited. Saving this exception, which concerns only the form of the mark, and under reservation of the provisions of the other articles of the Convention, the domestic legislation of each of the States shall receive its due application.

In order to avoid all misinterpretation, it is understood that the use of public armorial bearings and decorations may be considered contrary to public order, in the sense of the final paragraph of article 6.

5. The organization of a special service of Industrial Property mentioned in article 12 shall include, as far as is possible, the publication in each State of an official periodical.

6. The common expenses of the International Bureau, created article 13, shall in no case exceed yearly a sum-total representing a mean of 2000 francs for each contracting state.<sup>1</sup>

In order to determine the contributory share of each of the states in this sum-total of expenses, the contracting States, and those who may hereafter adhere to the Union, shall be divided into six classes, each contributing in the proportion of a certain number of units, named as follows:

1 <sup>st</sup> class	25 units
2 <sup>d</sup> " "	20 " "
3 <sup>d</sup> " "	15 " "
4 <sup>th</sup> " "	10 " "
5 <sup>th</sup> " "	5 " "
6 <sup>th</sup> " "	3 " "

These coefficients shall be multiplied by the number of the States in each class, and the sum of the products thus obtained shall furnish the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

The contracting States are classified as follows in respect to the division of the expenses.

1<sup>st</sup> class.—France, Italy.

2<sup>d</sup> " —Spain.

3<sup>d</sup> " —Belgium, Brazil, Portugal, Switzerland.

4<sup>th</sup> " —Netherlands.

5<sup>th</sup> " —Servia.

6<sup>th</sup> " —Guatemala, Salvador.

The Swiss Government shall supervise the expenditure of the International Bureau, make the necessary advances, and state the annual account, which shall be communicated to all the other Governments.

The International Bureau shall collect information of every kind relating to the protection of Industrial Property and shall compile from it general statistics which shall be transmitted to all the Governments. It shall occupy itself with examinations of general utility which may be of interest to the Union, and shall publish, with the assistance of the documents put at its disposal by the various Governments, a periodical in the French language on questions which concern the object of the Union.

The numbers of this periodical and all the documents published by the International Bureau shall be partitioned among the Governments of the states of the Union in the proportion of the number of contributory units above mentioned.

The copies and supplementary documents which may be requested either by the said Governments, or by corporations or private persons, shall be paid for separately.

The International Bureau must always hold itself at the disposal of the members of the Union, in order to furnish them, on questions relating to the international service of Industrial Property, with such special information as they may need.

The Government of the country where the next Conference is to be held shall prepare, with the assistance of the International Bureau, the work of the said Conference.

The director of the International Bureau shall be present at the sessions of the Conferences, and shall take part in the discussions without voting.

<sup>1</sup> See Convention of 1891, p. 691.

He shall make an annual report on its management, which shall be communicated to all the members of the Union.

The official language of the International Bureau shall be the French language.

7. The present final protocol, which shall be ratified at the same time as the Convention concluded this day, shall be considered as forming an integral part of that Convention, and shall have the same force, value and duration.

In faith whereof the undersigned plenipotentiaries have drawn up the present protocol.

Signed: BEYENS.

“ VILLENEUVE.  
 “ DUC DE FERNAN-NUÑEZ.  
 “ P. CHALLEMEL-LACOUR.  
 “ CH. HÉRISSON.  
 “ CH. JAGERSCHMIDT.  
 “ CRISANTO MEDINA:  
 “ RESSMAN.  
 “ BARON DE ZUYLEN DE NYEVELT.  
 “ JOSÉ DA SILVA MENDES LEAL.  
 “ F. d'AZEVEDO.  
 “ J. M. TORRES-CAICEDO.  
 “ SIMA M. MARINOVITCH.  
 “ LARDY.  
 “ J. WEIBEL.

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1891.

#### SUPPLEMENTARY CONVENTION.

*Concluded at Madrid April 15, 1891; ratification advised by the Senate March 2, 1892; ratified by the President March 30, 1892; ratifications exchanged June 15, 1892; proclaimed June 22, 1892. (U. S. Stats., Vol. 28, p. 958.)*

#### ARTICLES.

I. Expenses of International Bureau. | II. Ratification; duration.

[Translation.]

#### THIRD PROTOCOL.

Protocol concerning the dotation of the International Bureau of the Union for the protection of Industrial Property between Belgium, Brazil, Spain, The United States of America, France, Great Britain, Guatemala, Italy, Norway, The Netherlands, Portugal, Sweden, Switzerland and Tunis.

The undersigned Plenipotentiaries of the Governments above named,

In view of the declaration adopted March 12, 1883, by the International Conference for the Protection of Industrial Property convened at Paris,

Have, with one accord and subject to ratification, concluded the following Protocol:

## ARTICLE 1.

The first paragraph of No. 6 of the final Protocol annexed to the International Convention of March 20, 1883, for the protection of Industrial Property is annulled and replaced by the following provision.

“The expenses of the International Bureau instituted by Article 13 shall be supported by the contracting States in common. They cannot in any event exceed the sum of sixty thousand francs per annum.”

## ARTICLE 2.

The present Protocol shall be ratified, and the ratifications thereof shall be exchanged at Madrid within a period of six months at the latest.

It shall take effect one month after the exchange of ratifications, and shall have the same force and duration as the Convention of March 20, 1883, of which it shall be considered as forming an integral part.

In testimony whereof, the Plenipotentiaries of the States above named have signed the present Protocol at Madrid, the fifteenth day of April, one thousand eight hundred and ninety-one.

For Belgium, TH. DE BOUNDER DE MELS BROECK.

“ Brazil, LUIS F. D'ABREU.

“ Spain, S. MORET, MARQUIS DE AGUILAR, ENRIQUE CALLEJA,  
LUIS MARIANO DE LARRA.

“ The United States of America, E. BURD GRUBB.

“ France and Tunis, P. CAMBON.

“ Great Britain, FRANCIS CLARE FORD.

“ Guatemala, J. CARRERA.

“ Italy, MAFFEI.

“ Norway, ARILD HUITFELDT.

“ The Netherlands, GERICKE.

“ Portugal, COUNT DE CASAL RIBEIRO.

“ Sweden, ARILD HUITFELDT.

“ Switzerland, CH. E. LARDET.

“ “ MOREL.

(Resolution of the Senate advising and consenting to the ratification.)

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,  
March 2, 1892.

*Resolved*

(*two-thirds of the Senators present concurring therein*) That the Senate advise and consent to the ratification of Protocols 3 and 4,\* signed at Madrid, April 15, 1891, by the United States and other powers, amendatory to the Convention of March 20, 1883, for the protection of Industrial Property, subject to the reservation of the Plenipotentiary of the United States in the International Conference for the protection of Industrial Property at Madrid, as follows:

The share allotted to the United States to contribute to the dotation of the International Bureau is not to be augmented until the Congress of the United States shall have approved the augmentation.

That articles three and four of the fourth Protocol shall not go beyond what shall be established by the legislation of the United States.

Attest:

ANSON G. MCCOOK  
Secretary.

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\* Ratification of Protocol 4 not exchanged. Protocol referred to next conference, to be held at Brussels.

1884.

## CONVENTION FOR PROTECTION OF SUBMARINE CABLES.

*Concluded March 14, 1884; ratification advised by the Senate June 12, 1884; ratified by the President January 26, 1885; ratifications exchanged April 16, 1885; proclaimed May 22, 1885. (Treaties and Conventions, 1889, p. 1176.)*

(The text here given is from the proclamation of the President attached to the original in the French language, submitted to the Senate.)

## ARTICLES.

- |  |                                      |
|--|--------------------------------------|
| I. Application of convention.          | XI. Trials.                          |
| II. Punishment for injuries to cables. | XII. Laws to be enacted.             |
| III. Requirements for cable laying.    | XIII. Communication of legislation.  |
| IV. Payment for repairs.               | XIV. Adhesion of other States.       |
| V. Rules for ships laying cables.      | XV. Belligerent action not affected. |
| VI. Vessels to avoid cables.           | XVII. Ratification.                  |
| VII. Losses from cables.               | XVI. Operation; duration.            |
| VIII. Jurisdiction of courts.          | Additional article. British colo-    |
| IX. Prosecutions for infractions.      | nies.                                |
| X. Evidence of violations.             |                                      |

[Translation.]

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and Norway, and His Excellency the President of the Oriental Republic of Uruguay, desiring to secure the maintenance of telegraphic communication by means of submarine cables, have resolved to conclude a convention to that end, and have appointed as their Plenipotentiaries, to wit:

His Excellency the President of the United States of America, Mr. L. P. Morton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Paris, etc., etc., etc., and Mr. Vignaud, Secretary of the Legation of the United States of America at Paris, etc., etc., etc.;

His Majesty the Emperor of Germany, King of Prussia, His Highness Prince Charles Victor von Hohenlohe-Schillingsfürst, Prince of

Ratibor and Corvey, Grand Chamberlain of the Crown of Bavaria, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Argentine Confederation, Balcarce, Envoy Extraordinary and Minister Plenipotentiary of Confederation at Paris, etc., etc., etc.;

His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Excellency Count Ladislas Hroy Actual Privy Counselor, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of the Belgians, Baron Beyens, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.; and Mr. Leopold Orban, Envoy Extraordinary and Minister Plenipotentiary, Director General of Political Affairs at the Department of Foreign Affairs of Belgium, etc., etc., etc.;

His Majesty the Emperor of Brazil, Mr. d'Araujo, Baron d'Itajubá, Chargé d'Affaires of Brazil at Paris, etc., etc., etc.;

His Excellency the President of the Republic of Costa Rica, Mr. Leon Somzée, Secretary of the Legation of Costa-Rica, at Paris, etc., etc., etc.;

His Majesty the King of Denmark, Count de Moltke-Hvitfeldt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Dominican Republic, Baron Almeda, Envoy Extraordinary and Minister Plenipotentiary of Dominican Republic at Paris, etc., etc., etc.;

His Majesty the King of Spain, His Excellency Manuel Silvela de Viellense, permanent Senator, member of the Spanish Academy, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the United States of Colombia, Doctor José G. Triana, Consul-General of the United States of Colombia at Paris, etc., etc., etc.;

His Excellency the President of the French Republic, Mr. Jules Ferry, Deputy, President of the Council, Minister of Foreign Affairs, etc., etc., etc.;

and Mr. Adolphe Cochery, Deputy, Minister of Posts and Telegraphs, etc., etc., etc.;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the Right Honorable Richard Bickerton Pomell, Viscount Lyons, Peer of the United Kingdom of Great Britain and Ireland, member of her British Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Republic of Guatemala, Mr. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala at Paris, etc., etc., etc.;

His Majesty the King of the Hellenes, Prince Maurocordato, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Italy, His Excellency General Count Meibrea, Marquis de Valdora, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the Emperor of the Ottomans, His Excellency Essad Pasha, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;



His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Baron de Zuylen de Nyevelt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the Shah of Persia, General Nazare-Aga, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Portugal and the Algarves, Mr. d'Azevedo, Chargé d'Affaires of Portugal at Paris, etc., etc., etc.;

His Majesty the King of Roumania, Mr. Alexander Odobesco, Chargé d'Affaires *ad interim* of Roumania at Paris, etc., etc., etc.;

His Majesty the Emperor of all the Russias, His Excellency the Aid-de-Camp General Prince Nicholas Orloff, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of Salvador, Mr. Torres Caicedo, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Salvador at Paris, etc., etc., etc.;

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Sweden and Norway, Mr. Sibbern, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Oriental Republic of Uruguay, Colonel Diaz, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Uruguay at Paris, etc., etc., etc.;

Who, after having exchanged their full powers, which were found to be in good and due form, have agreed upon the following articles:

#### ARTICLE I.

The present Convention shall be applicable, outside of the territorial waters, to all legally established submarine cables landed in the territories, colonies or possessions of one or more of the High Contracting Parties.

#### ARTICLE II.

The breaking or injury of a submarine cable, done willfully<sup>1</sup> or through culpable negligence, and resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offense, but the punishment inflicted shall be no bar to a civil action for damages.

This provision shall not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid such ruptures or injuries.

#### ARTICLE III.

The High Contracting Parties agree to insist, as far as possible, when they shall authorize the landing of a submarine cable, upon suitable conditions of safety, both as regards the track of the cable and its dimensions.

#### ARTICLE IV.<sup>1</sup>

The owner of a cable who, by the laying or repairing of that cable, shall cause the breaking or injury of another cable, shall be required

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<sup>1</sup> See p. 700.

to pay the cost of the repairs which such breaking or injury shall have rendered necessary, but such payment shall not bar the enforcement, if there be ground therefor, of article II. of this Convention.

#### ARTICLE V.

Vessels engaged in laying or repairing submarine cables must observe the rules concerning signals that have been or shall be adopted, by common consent, by the High Contracting Parties, with a view to preventing collisions at sea.

When a vessel engaged in repairing a cable carries the said signals, other vessels that see or are able to see those signals shall withdraw or keep at a distance of at least one nautical mile from such vessel, in order not to interfere with its operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, a period of twenty-four hours at most shall be allowed to fishing vessels that perceive or are able to perceive a telegraph ship carrying the said signals, in order that they may be enabled to obey the notice thus given, and no obstacle shall be placed in the way of their operations during such period.

The operations of telegraph ships shall be finished as speedily as possible.

#### ARTICLE VI.

Vessels that see or are able to see buoys designed to show the position of cables when the latter are being laid, are out of order, or are broken, shall keep at a distance of one quarter of a nautical mile at least from such buoys.

Fishing nets and gear shall be kept at the same distance.

#### ARTICLE VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or any other implement used in fishing, in order to avoid injuring a submarine cable, shall be indemnified by the owner of the cable.

In order to be entitled to such indemnity, one must prepare, whenever possible, immediately after the accident, in proof thereof, a statement supported by the testimony of the men belonging to the crew; and the captain of the vessel must, within twenty-four hours after arriving at the first port of temporary entry, make his declaration to the competent authorities. The latter shall give notice thereof to the consular authorities of the nation to which the owner of the cable belongs.

#### ARTICLE VIII.

The courts competent to take cognizance of infractions of this convention shall be those of the country to which the vessel on board of which the infraction has been committed belongs.

It is, moreover, understood that, in cases in which the provision contained in the foregoing paragraph cannot be carried out, the repression of violations of this convention shall take place, in each of the contracting States, in the case of its subjects or citizens, in

accordance with the general rules of penal competence established by the special laws of those States, or by international treaties.<sup>1</sup>

#### ARTICLE IX.

Prosecutions on account of the infractions contemplated in articles II., V. and VI. of this convention, shall be instituted by the State or in its name.

#### ARTICLE X.

Evidence of violations of this convention may be obtained by all methods of securing proof that are allowed by the laws of the country of the court before which a case has been brought.

When the officers commanding the vessels of war or the vessels specially commissioned for that purpose, of one of the High Contracting Parties, shall have reason to believe that an infraction of the measures provided for by this Convention has been committed by a vessel other than a vessel of war, they may require the captain or master to exhibit the official documents furnishing evidence of the nationality of the said vessel. Summary mention of such exhibition shall at once be made on the documents exhibited.

Reports may, moreover, be prepared by the said officers, whatever may be the nationality of the inculpatated vessel. These reports shall be drawn up in the form and in the language in use in the country to which the officer drawing them up belongs; they may be used as evidence in the country in which they shall be invoked, and according to the laws of such country. The accused parties and the witnesses shall have the right to add or to cause to be added thereto, in their own language, any explanations that they may deem proper; these declarations shall be duly signed.

#### ARTICLE XI.

Proceedings and trial in cases of infractions of the provisions of this Convention shall always take place as summarily as the laws and regulations in force will permit.

#### ARTICLE XII.

The High Contracting Parties engage to take or to propose to their respective legislative bodies the measures necessary in order to secure the execution of this Convention, and especially in order to cause the punishment, either by fine or imprisonment, or both, of such persons as may violate the provisions of articles II., V. and VI.

#### ARTICLE XIII.

The High Contracting Parties shall communicate to each other such laws as may already have been or as may hereafter be enacted in their respective countries, relative to the subject of this Convention.

#### ARTICLE XIV.

States that have not taken part in this Convention shall be allowed to adhere thereto, on their requesting to do so. Notice of such adhesion

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<sup>1</sup> U. S. Stats., Vol. 25, p. 41.

shall be given, diplomatically, to the Government of the French Republic, and by the latter to the other signatory Governments.

#### ARTICLE XV.

It is understood that the stipulations of this Convention shall in no wise affect the liberty of action of belligerents.

#### ARTICLE XVI.

This Convention shall take effect on such day as shall be agreed upon by the High Contracting Parties.

It shall remain in force for five years from that day, and, in case none of the High Contracting Parties shall have given notice, twelve months previously to the expiration of said period of five years, of its intention to cause its effects to cease, it shall continue in force for one year, and so on from year to year.

In case one of the Signatory Powers shall give notice of its desire for the cessation of the effects of the Convention, such notice shall be effective as regards that Power only.

#### ARTICLE XVII.

This Convention shall be ratified; its ratifications shall be exchanged at Paris as speedily as possible, and within one year at the latest.

In testimony whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed their seals.

Done in twenty-six copies, at Paris, this 14th day of March, 1884.

[SEAL.]	L. P. MORTON.	[SEAL.] HENRY VIGNAUD.
[SEAL.]	HOHENLOHE.	
[SEAL.]	M. BALCARCE.	
[SEAL.]	LADISLAS COUNT HOYOS.	
[SEAL.]	BEYENS.	[SEAL.] LEOPOLD ORBAN.
[SEAL.]	BN. D'ITAJUBÁ.	
[SEAL.]	LÉON SOMZÉE.	
[SEAL.]	MOLTKE-HVITFELDT.	
[SEAL.]	EMANUEL DE ALMEDA.	
[SEAL.]	MANUEL SILVELA.	
[SEAL.]	JOSÉ G. TRIANA.	
[SEAL.]	JULES FERRY.	[SEAL.] AD. COCHERY.
[SEAL.]	LYONS.	
[SEAL.]	CRISANTO MEDINA.	
[SEAL.]	MAUROCORDATO.	
[SEAL.]	MENABREA.	
[SEAL.]	ESSAD.	
[SEAL.]	BN. DE ZUYLEN DE NYEVELT.	
[SEAL.]	NAZARE-AGA.	
[SEAL.]	F. D'AZEVEDO.	
[SEAL.]	ODOBESCO.	
[SEAL.]	PRINCE ORLOFF.	
[SEAL.]	J. M. TORRES-CAÏCEDO.	
[SEAL.]	J. MARINOVITCH.	
[SEAL.]	G. SIBBERN.	
[SEAL.]	JUAN J. DIAZ.	

## ADDITIONAL ARTICLE.

The stipulations of the Convention concluded this day for the protection of submarine cables shall be applicable, according to Article I., to the colonies and possessions of Her Britannic Majesty with the exception of those named below, to wit:

Canada.	New South Wales.	South Australia.
Newfoundland.	Victoria.	West Australia.
The Cape.	Queensland.	New Zealand.
Natal.	Tasmania.	

Nevertheless, the stipulations of the said Convention shall be applicable to one of the above-named colonies or possessions, if, in their [its?] name, a notification to that effect has been addressed by the representative of Her Britannic Majesty at Paris to the Minister of Foreign Affairs of France.

Each of the above-named Colonies or possessions that shall have adhered to the said Convention, shall have the privilege of withdrawing in the same manner as the contracting powers. In case one of the colonies or possessions in question shall desire to withdraw from the Convention, a notification to that effect shall be addressed by Her Britannic Majesty's representative at Paris to the Minister of Foreign Affairs of France.

Done in twenty-six copies at Paris, this fourteenth day of March, 1884.

L. P. MORTON.

HENRY VIGNAUD.

HOHENLOHE.

M. BALCARCE.

LADISLAS COUNT HOYOS.

BEYENS.

LÉOPOLD ORBAN.

BN. D'ITAJUBÁ.

LÉON SOMZÉE.

MOLTKE-HVITFELDT.

EMANUEL DE ALMEDA.

MANUEL SILVELA.

JOSÉ G. TRIANA.

JULES FERRY.

AD. COCHERY.

LYONS.

CRISANTO MEDINA.

MAUROCORDATO.

MENABREA.

ESSAD.

BN. DE ZUYLEN DE NYEVELT.

NAZARE-AGA.

F. D'AZEVEDO.

ODOBESCO.

PRINCE ORLOFF.

J. M. TORRES-CAÏCEDO.

J. MARINOVITCH.

G. SIBBERN.

JUAN J. DIAZ.

1886.

**DECLARATION RESPECTING THE INTERPRETATION OF ARTICLES II AND IV OF THE CONVENTION OF MARCH 14, 1884, FOR THE PROTECTION OF SUBMARINE CABLES.**

*Signed at Paris December 1, 1886; ratification advised by the Senate February 20, 1888; ratified by the President March 1, 1888; proclaimed May 1, 1888. (Treaties and Conventions, 1889, p. 1184.)*

[Translation.]

The undersigned, Plenipotentiaries of the signatory Governments of the Convention of March 14, 1884, for the protection of submarine cables, having recognized the expediency of defining the sense of the terms of Articles II and IV, of the said convention, have prepared by common accord the following declaration:

Certain doubts having arisen as to the meaning of the word "wilfully" inserted in Article II of the convention of the 14<sup>th</sup> of March, 1884, it is understood that the imposition of penal responsibility, mentioned in the said article, does not apply to cases of breaking or of injuries occasioned accidentally or necessarily in repairing a cable, when all precautions have been taken to avoid such breakings or damages.

It is likewise understood that Article IV of the convention has no other object and is to have no other effect than to charge the competent tribunals of each country with the determination, conformably to their laws and according to circumstances, of the question of the civil responsibility of the owner of a cable, who, by the laying or repairing of such cable, causes the breaking or injury of another cable, and also of the consequences of that responsibility, if it is found to exist.

Done at Paris, December 1, 1886, and March 23, 1887, for Germany.

ROBERT M. McLANE.

MÜNSTER.

JOSÉ C. PAZ.

GOLUCHOWSKI.

BEYENS.

ARINOS.

R. FERNÁNDES.

MOLTKE-HVITFELDT.

EMANUEL DE ALMEDA.

J. L. ALBAREDA.

C. D. FREYCINET.

LYONS.

CRISANTO MEDINA.

N. S. DELYANNI.

L. L. MENABREA.

HARA.

ESSAD.

A. DE STUERS.

COMPTE DE VALBOM

V. ALECSANDRI.

KOTZEBUE.

E. PECTOR.

J. MARINOVITCH.

C. LEWENHAUPT.

JUAN J. DIAZ.



1887.

**FINAL PROTOCOL OF AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND OTHER POWERS FIXING MAY 1ST, 1888, AS THE DATE OF EFFECT OF THE CONVENTION CONCLUDED AT PARIS MARCH 14, 1884, FOR THE PROTECTION OF SUBMARINE CABLES.**

*Signed at Paris July 7, 1887; ratification advised by the Senate February 20, 1888; ratified by the President March 1, 1888; proclaimed May 1, 1888. (Treaties and Conventions, 1889, p. 1184.)*

[Translation.]

The undersigned, Plenipotentiaries of the Governments, parties to the Convention of March 14, 1884, for the protection of submarine cables, having met at Paris for the purpose of fixing, in pursuance of article 16 of that international instrument, a date for putting the said convention into execution, have agreed upon the following:

I. The International Convention of March 14, 1884, for the protection of submarine cables, shall go into operation on the 1<sup>st</sup> day of May, 1888, provided, however, that at that date those of the contracting Governments that have not yet adopted the measures provided for by article 12 of the said international instrument, shall have conformed to that stipulation.

II. The measures which shall have been taken by the said States in execution of article 12 aforesaid, shall be made known to the other contracting Powers through the French Government, which is charged with the examination of the said measures.

III. The Government of the French Republic is likewise charged with the examination of the similar legislative and reglementary provisions which are to be adopted, in their respective countries, in pursuance of article 12, by such States as have not taken part in the Convention, and as may desire to avail themselves of the privilege of accession, for which provision is made in article 14.

In testimony whereof, the undersigned Plenipotentiaries have adopted this final protocol, which shall be considered as forming an integral part of the International Convention of March 14, 1884.

Done at Paris, July 7, 1887.

ROBERT M. MCLANE.

LEYDEN.

JOSÉ C. PAZ.

HOYOS.

BEYENS.

ARINOS.

MANUEL M. DE PERALTA.

MOLTKE-HVITFELDT.

EMANUEL DE ALMEDA.

FLOURENS.

J. LUIS ALBAREDA.

LYONS.

CRISANTO MEDINA.

N. S. DELYANNI.

L. L. MENABREA.

HARA.

H. MISSAK.

A. DE STUERS.

COMTE DE VALBOM.

V. ALECSANDRI.

N. DE GIER.

J. F. MEDINA.

J. MARINOVITCH.

C. LEWENHAUPT.

JUAN J. DIAZ.

1886.

**CONVENTION FOR INTERNATIONAL EXCHANGE OF OFFICIAL DOCUMENTS, SCIENTIFIC AND LITERARY PUBLICATIONS.**

*Concluded at Brussels March 15, 1886; ratification advised by Senate June 18, 1888; ratified by the President July 19, 1888; ratifications exchanged January 14, 1889; proclaimed January 15, (U. S. Stats., Vol. 25, p. 1465.)*

(The text is reprinted from the translation made in the Department of and proclaimed by the President with the original treaty, which is in the French language.)

**ARTICLES.**

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|--|--|
| I. Bureaus of exchanges to be established. | VI. Expense of transmittal.                |
| II. Publications to be exchanged.          | VII. Publications of learned associations. |
| III. Lists to be printed.                  | VIII. Application of convention.           |
| IV. Number of copies.                      | IX. Adhesion of other States.              |
| V. Transmission of documents.              | X. Ratification; duration.                 |

**[Translation.]**

The President of the United States of America, His Majesty King of the Belgians, His Majesty the Emperor of Brazil, Her Majesty the Queen Regent of Spain, His Majesty the King of Italy, His Majesty the King of Portugal and of the Algarves, His Majesty the King of Servia, The Federal Council of the Swiss Confederation, desiring to establish, on the bases adopted by the Conference which met at Brussels from the 10th to the 14th April 1883, a system of international exchanges of the official documents and of the scientific and literary publications of their respective States, have appointed for their Plenipotentiaries, to wit:

The President of the United States of America, Mr. Lambert T. Minister Resident of the United States of America at Brussels,

His Majesty the King of the Belgians, The Prince de Caraman, Minister of Foreign Affairs, and the Chevalier de Moreau, His Minister of Agriculture, Industry and Public Works,

His Majesty the Emperor of Brazil, The Count de Villeneuve, Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

Her Majesty the Queen Regent of Spain, Mr. de Tavira, Chargé d'Affaires ad-interim of Spain at Brussels,

His Majesty the King of Italy, the Marquis Maffei, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

His Majesty the King of Portugal and of the Algarves, the Baron de Sant' Anna, Envoy Extraordinary and Minister Plenipotentiary near His Very Faithful Majesty.

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

The Federal Council of the Swiss Confederation, Mr. Rivier, special Plenipotentiary.

Who, after having communicated between themselves their powers, which are found in good and due form, have agreed upon the following Articles:

## ARTICLE I.

There shall be established in each of the contracting States, a bureau charged with the duty of the exchanges.

## ARTICLE II.

The publications which the contracting States agree to exchange, are the following:

1<sup>st</sup>. The Official documents, parliamentary and administrative, which are published in the country of their origin.

2<sup>nd</sup>. The works executed by order and at the expense of the Government.

## ARTICLE III.

Each bureau shall cause to be printed a list of the publications that it is able to place at the disposal of the contracting States.

This list shall be corrected and completed each year and regularly addressed to all the bureaus of exchange.

## ARTICLE IV.

The bureaus of exchange will arrange between themselves the number of copies which they may be able eventually to demand and furnish.

## ARTICLE V.

The transmissions shall be made directly from bureau to bureau. Uniform models and formulas will be adopted for the memoranda of the contents of the cases, as well as for all the administrative correspondence, requests, acknowledgments of reception, etc.

## ARTICLE VI.

For exterior transmissions, each State assumes the expense of packing and transportation to the place of destination. Nevertheless when the transmissions shall be made by sea, special arrangements will regulate the share of each State in the expense of transportation.

## ARTICLE VII.

The bureaus of exchange will serve, in an officious capacity, as intermediaries between the learned bodies and literary and scientific societies, etc. of the contracting States for the reception and transmission of their publications.

It remains however well understood that, in such case, the duty of the bureaus of exchange will be confined to the free transmission of the works exchanged and that these bureaus will not in any manner take the initiative to bring about the establishment of such relations.

## ARTICLE VIII.

These provisions apply only to the documents and works published after the date of the present Convention.

## ARTICLE IX.

The States which have not taken part in the present Convention are admitted to adhere to it on their request.

This adhesion will be notified diplomatically to the Belgian Government and by that Government to all the other signatory States.

## ARTICLE X.

The present Convention will be ratified and the ratifications will be exchanged at Brussels, as soon as practicable. It is concluded for ten years, from the day of the exchange of ratifications, and it will remain in force beyond that time, so long as one of the Governments shall not have declared six months in advance that it renounces it.

In witness whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed their seals.

Done at Brussels in eight copies the 15<sup>th</sup> of March, 1886.

LAMBERT TREE	[SEAL.]
Pr. DE CARAMAN	[SEAL.]
CH <sup>v</sup> ier D. MOREAU	[SEAL.]
C <sup>te</sup> . DE VILLENEUVE	[SEAL.]
JOSÉ M <sup>a</sup> . DE TAVIRA	[SEAL.]
MAFFEI	[SEAL.]
B <sup>on</sup> DE SANT' ANNA	[SEAL.]
J. MARINOVITCH	[SEAL.]
ALPHONSE RIVIER	[SEAL.]

1886.

CONVENTION FOR THE IMMEDIATE EXCHANGE OF OFFICIAL JOURNALS,  
PARLIAMENTARY ANNALS, AND DOCUMENTS.

*Concluded at Brussels March 15, 1886; ratification advised by the Senate June 18, 1888; ratified by the President July 19, 1888; ratifications exchanged January 14, 1889; proclaimed January 15, 1889. (U. S. Stats. Vol. 25, p. 1469.)*

## ARTICLES.

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|--|-------------------------------|
| I. Immediate exchange of official journals, parliamentary annals, documents. | II. Adhesion of other states. |
|  | III. Ratification; duration.  |

[Translation.]

The President of the United States, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, Her Majesty the Queen Regent of Spain, His Majesty the King of Italy, His Majesty the King of Portugal and of the Algarves, His Majesty the King of Servia, desiring to assure the immediate exchange of the Official Journal as well as of the parliamentary Annals and Documents of their respective States, have named as their Plenipotentiaries, to wit:

The President of the United States of America, Mr. Lambert Tree, Minister Resident of the United States of America at Brussels,

His Majesty the King of the Belgians, The Prince de Caraman, His

Minister of Foreign Affairs, and the Chevalier de Moreau, His Minister of Agriculture, Industry and Public Works,

His Majesty the Emperor of Brazil, The Count de Villeneuve, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

Her Majesty the Queen Regent of Spain, Mr. de Tavira, Chargé d'Affaires, ad interim, of Spain at Brussels.

His Majesty the King of Italy, The Marquis Maffei, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

His Majesty the King of Portugal and of the Algarves, the Baron de Sant' Anna, Envoy Extraordinary and Minister Plenipotentiary of His Very Faithful Majesty,

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Who, after having communicated between themselves their full powers, found in good and due form, have agreed upon the following Articles:

#### ARTICLE I.

Independently of the obligations which result from Article 2 of the General Convention of this day, relative to the exchange of official documents and of scientific and literary publications, the respective Governments undertake to have transmitted to the legislative chambers of each contracting State, as fast as their publication, a copy of the Official Journal as well as of the parliamentary Annals and Documents, which are given publicity.

#### ARTICLE II.

The States which have not taken part in the present Convention are admitted to adhere thereto on their request.

This adhesion will be notified diplomatically to the Belgian Government, and by that Government to all the other signatory States.

#### ARTICLE III.

The present Convention will be ratified and the ratifications will be exchanged at Brussels as soon as practicable. It is concluded for ten years from the day of the exchange of the ratifications and it will remain in force beyond that time, so long as one of the Governments shall not have declared six months in advance that it renounces it.

In witness whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed their seals.

Done at Brussels, in seven copies the 15<sup>th</sup> of March, 1886.

LAMBERT TREE	[SEAL.]
P <sup>r</sup> DE CARAMAN	[SEAL.]
CH <sup>v</sup> ll <sup>r</sup> D. MOREAU	[SEAL.]
C <sup>te</sup> DE VILLENEUVE	[SEAL.]
JOSÉ M <sup>a</sup> DE TAVIRA	[SEAL.]
MAFFEI	[SEAL.]
B <sup>on</sup> DE SANT' ANNA	[SEAL.]
J. MARINOVITCH	[SEAL.]

1890.

**GENERAL ACT FOR THE REPRESSION OF AFRICAN SLAVE TRADE.**

*Signed July 2, 1890; ratification advised by the Senate January 11, 1892; ratified by the President January 19, 1892; ratification deposited with Belgian Government February 2, 1892; proclaimed April 2, 1892. (U. S. Stats., Vol. 27, p. 886.)*

(The original of this treaty is in the French language and the text here given is from the translation submitted to the Senate and attached to the proclamation.)

**ARTICLES.****CHAPTER I.—Slave-trade countries.—Measures to be taken in the places of origin.**

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| I. Measures to counteract slave trade.       | IX. Regulations for use of fire-arms.         |
| II. Duties of stations, cruisers, and posts. | X. Transit of arms and ammunition.            |
| III. Support of powers.                      | XI. Information to be furnished.              |
| IV. National associations.                   | XII. Legislation to punish offenders.         |
| V. Legislation to be enacted.                | XIII. Prevention of introduction of firearms. |
| VI. Return of liberated slaves.              | XIV. Duration of firearms provisions.         |
| VII. Protection of fugitive slaves.          |   |
| VIII. Importation of firearms prohibited.    |   |

**CHAPTER II.—Caravan routes and transportation of slaves by land.**

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|---------------------------------|----------------------------------|
| XV. Stoppage of convoys.        | XVIII. Care of liberated slaves. |
| XVI. Posts on caravan routes.   | XIX. Punishments.                |
| XVII. Prevention of sales, etc. |                                  |

**CHAPTER III.—Repression of slave trade by sea.****Section I.—General provisions.**

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|---------------------------------------|--|
| XX. Agreement of powers.              | XXVII. International Bureau at Zanzibar.   |
| XXI. Maritime zone.                   | XXVIII. Slaves escaping to ships of war.   |
| XXII. Right of search, etc.           | XXIX. Release of slaves on native vessels. |
| XXIII. Vessels liable to search, etc. |  |
| XXIV. Effect of present conventions.  |  |
| XXV. Unlawful use of flag.            |  |
| XXVI. Exchange of information.        |  |

**Section II.—Regulations concerning the use of the flags and supervision by cruisers.****1. Rules for granting the flag to native vessels, and as to crew lists and manifests of black passengers on board.**

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|---|--|
| XXX. Control over native vessels.           | XXXVII. Entry of vessels.                                |
| XXXI. Definition of native vessels.         | XXXVIII. Negro passengers not allowed on native vessels. |
| XXXII. Native vessels which may carry flag. | XXXIX. Vessels excepted.                                 |
| XXXIII. Renewal of authority.               | XL. Forfeiture of license.                               |
| XXXIV. Act of authority.                    | XLI. Forms to be issued.                                 |
| XXXV. Crew lists.                           |  |
| XXXVI. Carriage of negro passengers.        |  |

**2.—The stopping of suspected vessels.**

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|-----------------------------------|--|
| XLII. Examination of papers.      | XLVII. Report of detentions.                   |
| XLIII. Boarding.                  | XLVIII. Communication to International Bureau. |
| XLIV. Papers to be examined.      | XLIX. Disposal of seized vessels.              |
| XLV. Examination of cargo.        |  |
| XLVI. Minute of boarding officer. |  |



3.—*Of the examination and trial of vessels seized.*

- L. Trials.
- LI. Disposal of arrested vessels.
- LII. Result of condemnation.
- LIII. Indemnity for illegal arrests.
- LIV. Arbitration of disputed decisions.
- LV. Choice of arbitrators.

- LVI. Trials.
- LVII. Summary proceedings.
- LVIII. Release of innocent vessels; damages.
- LIX. Penalties.
- LX. Special tribunals.
- LXI. Communication of instructions.

CHAPTER IV.—*Countries to which slaves are sent, whose institutions recognize the existence of domestic slavery.*

- LXII. Prohibition of slave trade.
- LXIII. Disposition of liberated slaves.
- LXIV. Freedom of fugitive slaves.
- LXV. Sales declared void.
- LXVI. Examination of native vessels.
- LXVII. Penal punishments.
- LXVIII. Turkish law.

- LXIX. Assistance by Shah of Persia.
- LXX. Assistance by Sultan of Zanzibar.
- LXXI. Assistance of diplomatic and consular officers.
- LXXII. Liberation office.
- LXXIII. Exchange of statistics.

CHAPTER V.—*Institutions intended to insure the execution of the general act.**Section I.—Of the international maritime office.*

- LXXIV. International office at Zanzibar.
- LXXV. Organization.
- LXXVI. Expenses.

- LXXVII. Objects.
- LXXVIII. Archives; translations.
- LXXIX. Branch offices.
- LXXX. Annual reports.

*Section II.—Of the exchange between the Governments of documents and information relative to the slave trade.*

- LXXXI. Exchange of information.
- LXXXII. Central exchange office.
- LXXXIII. Reports from Zanzibar office.

- LXXXIV. Publications.
- LXXXV. Expenses.

*Section III.—Of the protection of liberated slaves.*

- LXXXVI. Offices for liberating slaves.
- LXXXVII. Registry of releases.

- LXXXVIII. Refuge for women and children.
- LXXXIX. Protection of freed slaves.

CHAPTER VI.—*Measures to restrict the traffic in spirituous liquors.*

- XC. Prohibited zone.
- XCI. Prohibition of importation and manufacture.
- XCII. Import duty in certain localities.

- XCIII. Excise duty.
- XCIV. Prevention of introduction of liquors.
- XCV. Information to be communicated.

CHAPTER VII.—*Final provisions.*

- XCVI. Contrary stipulations repealed.
- XCVII. Modifications.
- XCVIII. Adhesion of Powers.

- XCIX. Ratification.
- C. Duration.
- Protocol.

[Translation.]

**IN THE NAME OF GOD ALMIGHTY.**

The President of the United States of America;

His Majesty the German Emperor, King of Prussia, in the name of the German Empire;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary;

His Majesty the King of the Belgians;

His Majesty the King of Denmark;

His Majesty the King of Spain, and in his name Her Majesty the Queen Regent of the Kingdom;

His Majesty the Sovereign of the Independent State of the Congo;

The President of the French Republic;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India;

His Majesty the King of Italy;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg;

His Majesty the Shah of Persia;

His Majesty the King of Portugal and the Algarves, &c.;

His Majesty the Emperor of all the Russias;

His Majesty the King of Sweden and Norway, &c.;

His Majesty the Emperor of the Ottomans; and

His Highness, the Sultan of Zanzibar;

Being equally actuated by the firm intention of putting an end to the crimes and devastations engendered by the traffic in African slaves, of efficiently protecting the aboriginal population of Africa, and of securing for that vast continent the benefits of peace and civilization;

Wishing to give fresh sanction to the decisions already adopted in the same sense and at different times by the powers, to complete the results secured by them, and to draw up a body of measures guaranteeing the accomplishment of the work which is the object of their common solicitude;

Have resolved, in pursuance of the invitation addressed to them by the Government of His Majesty the King of the Belgians, in agreement with the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, to convene for this purpose a conference at Brussels, and have named as their plenipotentiaries:

**THE PRESIDENT OF THE UNITED STATES OF AMERICA,**

Mr. Edwin H. Terrell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near His Majesty the King of the Belgians, and

Mr. Henry Shelton Sanford;

**HIS MAJESTY THE EMPEROR OF GERMANY, KING OF PRUSSIA, IN THE NAME OF THE GERMAN EMPIRE,**

Frederic John, Count of Alvensleben, His Chamberlain and Actual Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. William Goehring, His Privy Councillor of Legation, Consul-General of the German Empire at Amsterdam;

**HIS MAJESTY THE EMPEROR OF AUSTRIA, KING OF BOHEMIA AND APOSTOLIC KING OF HUNGARY,**

Rodolphe Count Khevenhüller-Metsch, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary near his Majesty the King of the Belgians,

- HIS MAJESTY THE KING OF THE BELGIANS,**  
 Auguste Baron Lambermont, His Minister of State, His Envoy Extraordinary and Minister Plenipotentiary, and  
 M. Emile Banning, Director General in the Department of Foreign Affairs of Belgium;
- HIS MAJESTY THE KING OF DENMARK,**  
 Mr. Frederic-George Schack de Brockdorff, Consul-General of Denmark at Antwerp;
- HIS MAJESTY THE KING OF SPAIN, AND IN HIS NAME HER MAJESTY THE QUEEN REGENT OF THE KINGDOM,**  
 Don José Gutierrez de Agüera, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;
- HIS MAJESTY THE SOVEREIGN-KING OF THE INDEPENDENT STATE OF THE CONGO,**  
 Mr. Edmund Van Eetvelde, Administrator-General of the Department of Foreign Affairs of the Independent State of the Congo and  
 Mr. Auguste Van Maldeghem, Councillor in the Belgian Court of Cassation;
- THE PRESIDENT OF THE FRENCH REPUBLIC,**  
 M. Albert Bourée, Envoy Extraordinary and Minister Plenipotentiary of the French Republic near His Majesty the King of the Belgians, and  
 M. George Cogordan, Minister Plenipotentiary, Director of the Office of the Minister of Foreign Affairs of France;
- HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, EMPRESS OF INDIA,**  
 Lord Vivian, Peer of the United Kingdom, Her Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and  
 Sir John Kirk;
- HIS MAJESTY THE KING OF ITALY,**  
 Francis de Renzis, Baron of Montanaro, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and  
 Mr. Thomas Catalani, His Envoy Extraordinary and Minister Plenipotentiary;
- HIS MAJESTY THE KING OF THE NETHERLANDS, GRAND DUKE OF LUXEMBURG,**  
 Louis Baron Gericke de Herwynen, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;
- HIS IMPERIAL MAJESTY THE SHAH OF PERSIA,**  
 General Nazare Aga, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;
- HIS MAJESTY THE KING OF PORTUGAL AND OF THE ALGARVES,**  
 Mr. Henrique de Macedo Pereira Coutinho, Member of His Council, Peer of the Kingdom, Minister and Honorary Secretary of State, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;
- HIS MAJESTY THE EMPEROR OF ALL THE RUSSIAS,**  
 Leon Prince Ouroussoff, Master of His Court, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and  
 Mr. Frederic de Martens, His Actual Councillor of State, Permanent Member of the Council of Foreign Affairs of Russia;

**HIS MAJESTY THE KING OF SWEDEN AND NORWAY,**

Mr. Charles de Burenstam, His Chamberlain, His Minister Plenipotentiary near His Majesty the King of the Belgians and near His Majesty the King of the Netherlands,

**HIS MAJESTY THE EMPEROR OF THE OTTOMANS,**

Étienne Carathéodory Efendi, High Dignitary of His Empire, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

**HIS HIGHNESS THE SULTAN OF ZANZIBAR,**

Sir John Kirk, and

Mr. William Göehring;

Who, being furnished with full powers, which have been found to be in good and due form, have adopted the following provisions:

**CHAPTER I.** *Slave-trade countries.—Measures to be taken in the places of origin.*

**ARTICLE I.**

The powers declare that the most effective means of counteracting the slave-trade in the interior of Africa are the following:

1. Progressive organization of the administrative, judicial, religious, and military services in the African territories placed under the sovereignty or protectorate of civilized nations.

2. The gradual establishment in the interior, by the powers to which the territories are subject, of strongly occupied stations, in such a way as to make their protective or repressive action effectively felt in the territories devastated by slave hunting.

3. The construction of roads, and in particular of railways, connecting the advanced stations with the coast, and permitting easy access to the inland waters, and to such of the upper courses of the rivers and streams as are broken by rapids and cataracts, with a view to substituting economical and rapid means of transportation for the present system of carriage by men.

4. Establishment of steam-boats on the inland navigable waters and on the lakes, supported by fortified posts established on the banks.

5. Establishment of telegraphic lines, insuring the communication of the posts and stations with the coast and with the administrative centres.

6. Organization of expeditions and flying columns, to keep up the communication of the stations with each other and with the coast, to support repressive action, and to insure the security of high roads.

7. Restriction of the importation of fire-arms, at least of those of modern pattern, and of ammunition throughout the entire extent of the territory in which the slave-trade is carried on.

**ARTICLE II.**

The stations, the inland cruisers organized by each power in its waters, and the posts which serve as ports of register for them shall, independently of their principal task, which is to prevent the capture of slaves and intercept the routes of the slave trade, have the following subsidiary duties:

1. To support and, if necessary, to serve as a refuge for the native population, whether placed under the sovereignty or the protectorate

of the State to which the station is subject, or independent, and temporarily for all other natives in case of imminent danger; to place the population of the first of these categories in a position to co-operate for their own defense; to diminish intestine wars between tribes by means of arbitration; to initiate them in agricultural labor and in the industrial arts so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs, such as cannibalism, and human sacrifices.

2. To give aid and protection to commercial enterprises; to watch over their legality by especially controlling contracts for service with natives, and to prepare the way for the foundation of permanent centres of cultivation and of commercial settlements.

3. To protect, without distinction of creed, the missions which are already or that may hereafter be established.

4. To provide for the sanitary service and to extend hospitality and help to explorers and to all who take part in Africa in the work of repressing the slave-trade.

### ARTICLE III.

The powers exercising a sovereignty or a protectorate in Africa confirm and give precision to their former declarations, and engage to proceed gradually, as circumstances may permit, either by the means above indicated, or by any other means that they may consider suitable, with the repression of the slave-trade, each State in its respective possessions and under its own direction. Whenever they consider it possible, they shall lend their good offices to such powers as, with a purely humanitarian object, may be engaged in Africa in the fulfillment of a similar mission.

### ARTICLE IV.

The States exercising sovereign powers or protectorates in Africa may in all cases delegate to companies provided with charters all or a portion of the engagements which they assume in virtue of Article III. They remain, nevertheless, directly responsible for the engagements which they contract by the present act, and guarantee the execution thereof. The powers promise to encourage, aid and protect such national associations and enterprises due to private initiative as may wish to co-operate in their possessions in the repression of the slave-trade, subject to their receiving previous authorization, such authorization being revokable at any time, subject also to their being directed and controlled, and to the exclusion of the exercise of rights of sovereignty.

### ARTICLE V.

The contracting powers pledge themselves, unless this has already been provided for by laws in accordance with the spirit of the present article, to enact or propose to their respective legislative bodies, in the course of one year at the latest from the date of the signing of the present general act, a law rendering applicable, on the one hand, the provisions of their penal laws concerning grave offenses against the person, to the organizers and abettors of slave-hunting, to those guilty of mutilating male adults and children, and to all persons taking part in the capture of slaves by violence; and, on the other hand, the provisions relating to offenses against individual liberty, to carriers and transporters of, and to dealers in, slaves.

The accessories and accomplices of the different categories of slave captors and dealers above specified shall be punished with penalties proportionate to those incurred by the principals.

Guilty persons who may have escaped from the jurisdiction of the authorities of the country where the crimes or offenses have been committed shall be arrested either on communication of the incriminating evidence by the authorities who have ascertained the violation of the law, or on production of any other proof of guilt by the power in whose territory they may have been discovered, and shall be kept, without other formality, at the disposal of the tribunals competent to try them.

The powers shall communicate to one another, with the least possible delay, the laws or decrees existing or promulgated in execution of the present Article.

#### ARTICLE VI.

Slaves liberated in consequence of the stoppage or dispersion of a convoy in the interior of the continent, shall be sent back, if circumstances permit, to their country of origin; if not, the local authorities shall facilitate, as much as possible, their means of living, and if they desire it, help them to settle on the spot.

#### ARTICLE VII.

Any fugitive slave claiming, on the continent, the protection of the signatory powers, shall receive it, and shall be received in the camps and stations officially established by said powers, or on board of the vessels of the State plying on the lakes and rivers. Private stations and boats are only permitted to exercise the right of asylum subject to the previous consent of the State.

#### ARTICLE VIII.

The experience of all nations that have intercourse with Africa having shown the pernicious and preponderating part played by fire-arms in operations connected with the slave-trade as well as internal wars between the native tribes; and this same experience having clearly proved that the preservation of the African population whose existence it is the express wish of the powers to protect, is a radical impossibility, if measures restricting the trade in fire-arms and ammunition are not adopted, the powers decide, so far as the present state of their frontiers permits, that the importation of fire-arms, and especially of rifles and improved weapons, as well as of powder, ball and cartridges, is, except in the cases and under the conditions provided for in the following Article, prohibited in the territories comprised between the 20th parallel of North latitude and the 22d parallel of South latitude, and extending westward to the Atlantic Ocean and eastward to the Indian Ocean and its dependencies, including the islands adjacent to the coast within 100 nautical miles from the shore.

#### ARTICLE IX.

The introduction of fire-arms and ammunition, when there shall be occasion to authorize it in the possessions of the signatory powers that exercise rights of sovereignty or of protectorate in Africa, shall be



regulated, unless identical or stricter regulations have already been enforced, in the following manner in the zone defined in Article VIII:

All imported fire-arms shall be deposited, at the cost, risk and peril of the importers, in a public warehouse under the supervision of the State government. No withdrawal of fire-arms or imported ammunition shall take place from such warehouses without the previous authorization of the said government. This authorization shall, except in the cases hereinafter specified, be refused for the withdrawal of all arms for accurate firing, such as rifles, magazine guns, or breech-loaders, whether whole or in detached pieces, their cartridges, caps, or other ammunition intended for them.

In seaports and under conditions affording the needful guarantees, the respective governments may permit private warehouses, but only for ordinary powder and for flint-lock muskets, and to the exclusion of improved arms and ammunition therefor.

Independently of the measures directly taken by governments for the arming of the public force and the organization of their defence, individual exceptions may be allowed in the case of persons furnishing sufficient guarantees that the weapon and ammunition delivered to them shall not be given, assigned or sold to third parties, and for travelers provided with a declaration of their government stating that the weapon and ammunition are intended for their personal defence exclusively.

All arms, in the cases provided for in the preceding paragraph, shall be registered and marked by the supervising authorities, who shall deliver to the persons in question permits to bear arms, stating the name of the bearer and showing the stamp with which the weapon is marked. These permits shall be revocable in case proof is furnished that they have been improperly used, and shall be issued for five years only, but may be renewed.

The above rule as to warehousing shall also apply to gunpowder.

Only flint-lock guns, with unrifled barrels, and common gunpowder known as trade powder, may be withdrawn from the warehouses for sale. At each withdrawal of arms and ammunition of this kind for sale, the local authorities shall determine the regions in which such arms and ammunition may be sold. The regions in which the slave-trade is carried on shall always be excluded. Persons authorized to take arms or powder out of the public warehouses, shall present to the State government, every six months, detailed lists indicating the destinations of the arms and powder sold, as well as the quantities still remaining in the warehouses.

#### ARTICLE X.

The Governments shall take all such measures as they may deem necessary to insure as complete a fulfilment as possible of the provisions respecting the importation, sale and transportation of firearms and ammunition, as well as to prevent either the entry or exit thereof via their inland frontiers, or the passage thereof to regions where the slave-trade is rife.

The authorization of transit within the limits of the zone specified in Article VIII shall not be withheld when the arms and ammunition are to pass across the territory of the signatory or adherent power occupying the coast, towards inland territories under the sovereignty or protectorate of another signatory or adherent power, unless this latter power have direct access to the sea through its own territory.

If this access be wholly interrupted, the authorization of transit can not be withheld. Any application for transit must be accompanied by a declaration emanating from the government of the power having the inland possessions, and certifying that the said arms and ammunition are not intended for sale, but are for the use of the authorities of such power, or of the military forces necessary for the protection of the missionary or commercial stations, or of persons mentioned by name in the declaration. Nevertheless, the territorial power of the coast retains the right to stop, exceptionally and provisionally, the transit of improved arms and ammunition across its territory, if, in consequence of inland disturbances or other serious danger, there is ground for fearing lest the despatch of arms and ammunition may compromise its own safety.

#### ARTICLE XI.

The powers shall communicate to one another information relating to the traffic in fire-arms and ammunition, the permits granted, and the measures of repression in force in their respective territories.

#### ARTICLE XII.

The powers engage to adopt or to propose to their respective legislative bodies the measures necessary everywhere to secure the punishment of infringers of the prohibitions contained in Articles VIII and IX, and that of their accomplices, besides the seizure and confiscation of the prohibited arms and ammunition, either by fine or imprisonment, or by both of these penalties, in proportion to the importance of the infraction and in accordance with the gravity of each case.

#### ARTICLE XIII.

The signatory powers that have possessions in Africa in contact with the zone specified in Article VIII, bind themselves to take the necessary measures for preventing the introduction of fire-arms and ammunition across their inland frontiers into the regions of said zone, at least that of improved arms and cartridges.

#### ARTICLE XIV.

The system stipulated in Articles VIII to XIII, shall remain in force for twelve years. In case none of the contracting parties shall have given notice twelve months before the expiration of this period, of its intention to put an end to it, or shall have demanded its revision, it shall remain obligatory for two years longer, and shall thus continue in force from two years to two years.

### CHAPTER II. *Caravan Routes and Transportation of Slaves by land.*

#### ARTICLE XV.

Independently of the repressive or protective action which they exercise in the centres of the slave-trade, it shall be the duty of the stations, cruisers and posts, whose establishment is provided for in Article II, and of all other stations established or recognized by Article

IV, by each government in its possessions, to watch, so far as circumstances shall permit, and in proportion to the progress of their administrative organization, the roads traveled in their territory by slave-dealers, to stop convoys on their march, or to pursue them wherever their action can be legally exercised.

#### ARTICLE XVI.

In the regions of the coasts known to serve habitually as places of passage or terminal points for slave-traffic coming from the interior, as well as at the points of intersection of the principal caravan routes crossing the zone contiguous to the coast already subject to the control of the sovereign or protective powers, posts shall be established under the conditions and with the reservations mentioned in Article III, by the authorities to which the territories are subject, for the purpose of intercepting the convoys and liberating the slaves.

#### ARTICLE XVII.

A strict watch shall be organized by the local authorities at the ports and places near the coast, with a view to preventing the sale and shipment of slaves brought from the interior, as well as the formation and departure landwards of bands of slave-hunters and dealers.

Caravans arriving at the coast or in its vicinity, as well as those arriving in the interior at a locality occupied by the territorial power, shall, on their arrival, be subjected to a minute inspection as to the persons composing them. Any such person being ascertained to have been captured or carried off by force, or mutilated, either in his native place or on the way, shall be set free.

#### ARTICLE XVIII.

In the possessions of each of the contracting powers, it shall be the duty of the government to protect liberated slaves, to return them, if possible, to their country, to procure means of subsistence for them, and, in particular, to take charge of the education and subsequent employment of abandoned children.

#### ARTICLE XIX.

The penal arrangements provided for by Article V shall be applicable to all offences committed in the course of operations connected with the transportation of and traffic in slaves on land whenever such offences may be ascertained to have been committed.

Any person having incurred a penalty in consequence of an offence provided for by the present general act, shall incur the obligation of furnishing security before being able to engage in any commercial transaction in countries where the slave-trade is carried on.

### CHAPTER III. *Repression of the Slave-trade by Sea.*

#### SECTION I. *General provisions.*

#### ARTICLE XX.

The signatory powers recognize the desirability of taking steps in common for the more effective repression of the slave-trade in the maritime zone in which it still exists.

## ARTICLE XXI.

This zone extends, on the one hand, between the coasts of the Indian Ocean (those of the Persian Gulf and of the Red Sea included), from Beloochistan to Cape Tangalane (Quilimane); and, on the other hand, a conventional line which first follows the meridian from Tangalane till it intersects the 26th degree of South latitude; it is then merged in this parallel, then passes round the Island of Madagascar by the east, keeping 20 miles off the east and north shore, till it intersects the meridian at Cape Ambre. From this point the limit of the zone is determined by an oblique line, which extends to the coast of Beloochistan, passing 20 miles off Cape Ras-el-Had.

## ARTICLE XXII.

The signatory powers of the present general act,—among whom exist special conventions for the suppression of the slave-trade, have agreed to restrict the clauses of those conventions concerning the reciprocal right of visit, of search and of seizure of vessels at sea, to the above mentioned zone.

## ARTICLE XXIII.

The same powers also agree to limit the above mentioned right to vessels whose tonnage is less than 500 tons. This stipulation shall be revised as soon as experience shall have shown the necessity thereof.

## ARTICLE XXIV.

All other provisions of the conventions concluded for the suppression of the slave-trade between the aforesaid powers shall remain in force provided they are not modified by the present general act.

## ARTICLE XXV.

The signatory powers engage to adopt efficient measures to prevent the unlawful use of their flag, and to prevent the transportation of slaves on vessels authorized to fly their colors.

## ARTICLE XXVI.

The signatory powers engage to adopt all measures necessary to facilitate the speedy exchange of information calculated to lead to the discovery of persons taking part in operations connected with the slave-trade.

## ARTICLE XXVII.

At least one international bureau shall be created; it shall be established at Zanzibar. The high contracting parties engage to forward to it all the documents specified in Article XLI, as well as all information of any kind likely to assist in the suppression of the slave-trade.

## ARTICLE XXVIII.

Any slave who has taken refuge on board a ship of war bearing the flag of one of the signatory powers, shall be immediately and definitively set free. Such freedom, however, shall not withdraw him from the competent jurisdiction if he has been guilty of any crime or offense at common law.

## ARTICLE XXIX.

Any slave detained against his will on board of a native vessel shall have the right to demand his liberty. His release may be ordered by any agent of any of the signatory powers on whom the present general act confers the right of ascertaining the status of persons on board of such vessels, although such release shall not withdraw him from the competent jurisdiction if he has committed any crime or offense at common law.

SECTION II.—*Regulation concerning the use of the flag and supervision by cruisers.*

1. Rules for granting the flag to native vessels, and as to crew lists and manifests of black passengers on board.

## ARTICLE XXX.

The signatory powers engage to exercise a strict surveillance over native vessels authorized to carry their flag in the zone mentioned in Article XXI, and over the commercial operations carried on by such vessels.

## ARTICLE XXXI.

The term "native vessel" applies to vessels fulfilling one of the following conditions:

1. It shall present the outward appearance of native build or rigging.
2. It shall be manned by a crew of whom the captain and a majority of the seamen belong by origin to one of the countries on the coast of the Indian Ocean, the Red Sea, or the Persian Gulf.

## ARTICLE XXXII.

The authorization to carry the flag of one of the said powers shall in future be granted only to such native vessels as shall satisfy at the same time the three following conditions:

1. Fitters-out or owners of ships must be either subjects of or persons protected by the power whose flag they ask to carry.
2. They shall be obliged to prove that they possess real estate situated in the district of the authority to whom their application is addressed, or to furnish *bona fide* security as a guaranty of the payment of such fines as may be incurred.
3. The above-named fitters-out or owners of ships, as well as the captain of the vessel, shall prove that they enjoy a good reputation, and that in particular they have never been sentenced to punishment for acts connected with the slave-trade.

## ARTICLE XXXIII.

This authorization granted shall be renewed every year. It may at any time be suspended or withdrawn by the authorities of the power whose colors the vessel carries.

## ARTICLE XXXIV.

The act of authorization shall contain the statements necessary to establish the identity of the vessel. The captain shall have the keeping

thereof. The name of the native vessel and the amount of its tonnage shall be cut and painted in Latin characters on the stern, and the initial or initials of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be printed in black on the sails.

#### ARTICLE XXXV.

A list of the crew shall be issued to the captain of the vessel at the port of departure by the authorities of the power whose colors it carries. It shall be renewed at every fresh venture of the vessel, or, at the latest, at the end of a year, and in accordance with the following provisions:

1. The list shall be visaed at the departure of the vessel by the authority that has issued it.

2. No negro can be engaged as a seaman on a vessel without having previously been questioned by the authority of the power whose colors it carries, or, in default thereof, by the territorial authority, with a view to ascertaining the fact of his having contracted a free engagement.

3. This authority shall see that the proportion of seamen and boys is not out of proportion to the tonnage or rigging.

4. The authorities who shall have questioned the men before their departure shall enter them on the list of the crew in which they shall be mentioned with a summary description of each of them alongside his name.

5. In order the more effectively to prevent any substitution, the seamen may, moreover, be provided with a distinctive mark.

#### ARTICLE XXXVI.

When the captain of a vessel shall desire to take negro passengers on board, he shall make his declaration to that effect to the authority of the power whose colors he carries, or in default thereof, to the territorial authority. The passengers shall be questioned, and after it has been ascertained that they embarked of their own free will, they shall be entered in a special manifest, bearing the description of each of them alongside of his name, and specially sex and height. Negro children shall not be taken as passengers unless they are accompanied by their relations, or by persons whose respectability is well known. At the departure, the passenger roll shall be visaed by the aforesaid authority after it has been called. If there are no passengers on board, this shall be specially mentioned in the crew-list.

#### ARTICLE XXXVII.

At the arrival at any port of call or of destination, the captain of the vessel shall show to the authority of the power whose flag he carries, or, in default thereof, to the territorial authority, the crew-list, and, if need be, the passenger-roll previously delivered. The authority shall check the passengers who have reached their destination or who are stopping in a port of call, and shall mention their landing in the roll. At the departure of the vessel, the same authority shall affix a fresh *visé* to the list and roll, and call the roll of the passengers.



## ARTICLE XXXVIII.

On the African coast and on the adjacent islands, no negro passengers shall be taken on board of a native vessel, except in localities where there is a resident authority belonging to one of the signatory powers.

Throughout the extent of the zone mentioned in Article XXI, no negro passenger shall be landed from a native vessel except at a place in which there is a resident officer belonging to one of the high contracting powers, and unless such officer is present at the landing.

Cases of *vis major* that may have caused an infraction of these provisions shall be examined by the authority of the power whose colors the vessel carries, or, in default thereof, by the territorial authority of the port at which the vessel in question calls.

## ARTICLE XXXIX.

The provisions of Articles XXXV, XXXVI, XXXVII, and XXXVIII are not applicable to vessels only partially decked, having a crew not exceeding ten men, and fulfilling one of the two following conditions:

1. That it be exclusively used for fishing within the territorial waters.

2. That it be occupied in the petty coasting trade between the different ports of the same territorial power, without going further than 5 miles from the coast.

These different boats shall receive, as the case may be, a special license from the territorial or consular authority, which shall be renewed every year, and subject to revocation as provided in Article XL, the uniform model<sup>1</sup> of which license is annexed to the present general act and shall be communicated to the international information office.

## ARTICLE XL.

Any act or attempted act connected with the slave-trade that can be legally shown to have been committed by the captain, fitter-out, or owner of a ship authorized to carry the flag of one of the signatory powers, or having procured the license provided for in Article XXXIX, shall entail the immediate withdrawal of the said authorization or license. All violations of the provisions of Section 2 of Chapter III shall render the person guilty thereof liable to the penalties provided by the special laws and ordinances of each of the contracting powers.

## ARTICLE XLI.

The signatory powers engage to deposit at the international information office the specimen forms of the following documents:

1. License to carry the flag;
2. The crew-list;
3. The negro passenger list.

These documents, the tenor of which may vary according to the different regulations of each country, shall necessarily contain the following particulars, drawn up in one of the European languages:

1. As regards the authorization to carry the flag:
  - (a) The name, tonnage, rig, and the principal dimensions of the vessel;

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<sup>1</sup> See Annex, p. 731.

- (b) The register number and the signal letter of the port of registry;
- (c) The date of obtaining the license, and the office held by the person who issued it.

2. As regards the list of the crew:

- (a) The name of the vessel, of the captain and the fitter-out or owner;
- (b) The tonnage of the vessel;
- (c) The register number and the port of registry, its destination, as well as the particulars specified in Article XXV.

3. As regards the list of negro passengers:

The name of the vessel which conveys them, and the particulars indicated in Article XXXVI, for the proper identification of the passengers.

The signatory powers shall take the necessary measures so that the territorial authorities or their consuls may send to the same office certified copies of all authorizations to carry their flag as soon as such authorizations shall have been granted, as well as notices of the withdrawal of any such authorization.

The provisions of the present article have reference only to papers intended for native vessels.

2. The stopping of suspected vessels.

ARTICLE XLII.

When the officers in command of war-vessels of any of the signatory powers have reason to believe that a vessel whose tonnage is less than 500 tons, and which is found navigating in the above-named zone, is engaged in the slave-trade or is guilty of the fraudulent use of a flag, they may examine the ship's papers.

The present article does not imply any change in the present state of things as regards jurisdiction in territorial waters.

ARTICLE XLIII.

To this end, a boat commanded by a naval officer in uniform may be sent to board the suspected vessel after it has been hailed and informed of this intention.

The officers sent on board of the vessel which has been stopped shall act with all possible consideration and moderation.

ARTICLE XLIV.

The examination of the ship's papers shall consist of the examination of the following documents:

1. As regards native vessels, the papers mentioned in Article XLI.

2. As regards other vessels, the documents required by the different treaties or conventions that are in force.

The examination of the ship's papers only authorizes the calling of the roll of the crew and passengers in the cases and in accordance with the conditions provided for in the following article.

ARTICLE XLV.

The examination of the cargo or the search can only take place in the case of vessels sailing under the flag of one of the powers that have concluded, or may hereafter conclude the special conventions provided for in Article XXII, and in accordance with the provisions of such conventions.

## ARTICLE XLVI.

Before leaving the detained vessel, the officer shall draw up a minute according to the forms and in the language in use in the country to which he belongs.

This minute shall be dated and signed by the officer, and shall recite the facts.

The captain of the detained vessel, as well as the witnesses, shall have the right to cause to be added to the minutes any explanations they may think expedient.

## ARTICLE XLVII.

The commander of a man-of-war who has detained a vessel under a foreign flag shall, in all cases, make a report thereof to his own government, and state the grounds upon which he has acted.

## ARTICLE XLVIII.

A summary of this report, as well as a copy of the minute drawn up by the officer on board of the detained vessel, shall be sent, as soon as possible, to the international information office, which shall communicate the same to the nearest consular or territorial authority of the power whose flag the vessel in question has shown. Duplicates of these documents shall be kept in the archives of the bureau.

## ARTICLE XLIX.

If, in performing the acts of supervision mentioned in the preceding articles, the officer in command of the cruiser is convinced that an act connected with the slave-trade has been committed on board during the passage, or that irrefutable proofs exist against the captain, or fitter-out, for accusing him of fraudulent use of the flag, or fraud, or participation in the slave-trade, he shall conduct the arrested vessel to the nearest port of the zone where there is a competent magistrate of the power whose flag has been used.

Each signatory power engages to appoint in the zone, and to make known to the international information office, the territorial or consular authorities or special delegates who are competent in the above-mentioned cases.

A suspected vessel may also be turned over to a cruiser of its own nation, if the latter consents to take charge of it.

## 3. Of the examination and trial of vessels seized.

## ARTICLE L.

The magistrate referred to in the preceding article, to whom the arrested vessel has been turned over, shall proceed to make a full investigation, according to the laws and rules of his country, in the presence of an officer belonging to the foreign cruiser.

## ARTICLE LI.

If it is proved by the inquiry that the flag has been fraudulently used, the arrested vessel shall remain at the disposal of its captor.

## ARTICLE LII.

If the examination shows an act connected with the slave-trade, proved by the presence on board of slaves destined for sale, or any other offense connected with the slave-trade for which provision is made by special convention, the vessel and cargo shall remain sequestered in charge of the magistrate who shall have conducted the inquiry.

The captain and crew shall be turned over to the tribunals designated by Articles LIV and LVI. The slaves shall be set at liberty as soon as judgment has been pronounced.

In the cases provided for by this article, liberated slaves shall be disposed of in accordance with the special conventions concluded, or to be concluded, between the signatory powers. In default of such conventions, the said slaves shall be turned over to the local authority, to be sent back, if possible, to their country of origin; if not, this authority shall facilitate to them, in so far as may be in its power, the means of livelihood, and, if they desire it, of settling on the spot.

## ARTICLE LIII.

If it shall be proved by the inquiry that the vessel has been illegally arrested, there shall be clear title to an indemnity in proportion to the damages suffered by the vessel being taken out of its course.

The amount of this indemnity shall be fixed by the authority that has conducted the inquiry.

## ARTICLE LIV.

In case the officer of the capturing vessel does not accept the conclusions of the inquiry held in his presence, the matter shall be turned over to the tribunal of the nation whose flag the captured vessel has borne.

No exception shall be made to this rule, unless the disagreement arises in respect of the amount of the indemnity stipulated in Article LIII, and this shall be fixed by arbitration, as specified in the following article.

## ARTICLE LV.

The capturing officer and the authority which has conducted the inquiry shall each appoint a referee within forty-eight hours, and the two arbitrators shall have twenty-four hours to choose an umpire. The arbitrators shall, as far as possible, be chosen from among the diplomatic, consular, or judicial officers of the signatory powers. Natives in the pay of the contracting Governments are formally excluded. The decision shall be by a majority of votes, and be considered as final.

If the court of arbitration is not constituted in the time indicated, the procedure in respect of the indemnity, as in that of damages, shall be in accordance with the provisions of Article LVIII, paragraph 2.

## ARTICLE LVI.

The cases shall be brought with the least possible delay before the tribunal of the nation whose flag has been used by the accused. However, the consuls or any other authority of the same nation as the accused, specially commissioned to this end, may be authorized by their Government to pronounce judgment instead of the tribunal.

## ARTICLE LVII.

The procedure and trial of violations of the provisions of Chapter III shall always be conducted in as summary a manner as is permitted by the laws and regulations in force in the territories subject to the authority of the signatory powers.

## ARTICLE LVIII.

Any decision of the national tribunal or authorities referred to in Article LVI, declaring that the seized vessel did not carry on the slave-trade, shall be immediately enforced, and the vessel shall be at perfect liberty to continue on its course.

In this case, the captain or owner of any vessel that has been seized without legitimate ground of suspicion, or subjected to annoyance, shall have the right of claiming damages, the amount of which shall be fixed by agreement between the Governments directly interested, or by arbitration, and shall be paid within a period of six months from the date of the judgment acquitting the captured vessel.

## ARTICLE LIX.

In case of condemnation, the sequestered vessel shall be declared lawfully seized for the benefit of the captor.

The captain, crew, and all other persons found guilty shall be punished according to the gravity of the crimes or offenses committed by them, and in accordance with Article V.

## ARTICLE LX.

The provisions of Articles L to LIX do not in any way affect the jurisdiction or procedure of existing special tribunals, or of such as may hereafter be formed to take cognizance of offenses connected with the slave-trade.

## ARTICLE LXI.

The high contracting parties engage to make known to one another, reciprocally, the instructions which they shall give, for the execution of the provisions of Chapter III, to the commanders of their men-of-war navigating the seas of the zone referred to.

CHAPTER IV. *Countries to which slaves are sent, whose institutions recognize the existence of domestic slavery.*

## ARTICLE LXII.

The contracting powers whose institutions recognize the existence of domestic slavery, and whose possessions, in consequence thereof, in or out of Africa, serve, in spite of the vigilance of the authorities, as places of destination for African slaves, pledge themselves to prohibit their importation, transit and departure, as well as the trade in slaves. The most active and the strictest supervision shall be enforced at all places where the arrival, transit, and departure of African slaves take place.

## ARTICLE LXIII.

Slaves set free under the provisions of the preceding article shall, if circumstances permit, be sent back to the country from whence they came. In all cases they shall receive letters of liberation from competent authorities, and shall be entitled to their protection and assistance for the purpose of obtaining means of subsistence.

## ARTICLE LXIV.

Any fugitive slave arriving at the frontier of any of the powers mentioned in Article LXII shall be considered free, and shall have the right to claim letters of release from the competent authorities.

## ARTICLE LXV.

Any sale or transaction to which the slaves referred to in Articles LXIII and LXIV may have been subjected through any circumstance of any kind whatsoever, shall be considered as null and void.

## ARTICLE LXVI.

Native vessels carrying the flag of one of the countries mentioned in Article LXII, if there is any indication that they are employed in operations connected with the slave-trade, shall be subjected by local authorities in the ports frequented by them to a strict examination of their crews and passengers both on arrival and departure. If African slaves are found on board, judicial proceedings shall be instituted against the vessel and against all persons who may be implicated. Slaves found on board shall receive letters of release through the authorities who have seized the vessels.

## ARTICLE LXVII.

Penal provisions similar to those provided for by Article V shall be enacted against persons importing, transporting, and trading in African slaves, against the mutilators of male children or adults, and those who traffic in them, as well as against their associates and accomplices.

## ARTICLE LXVIII.

The signatory powers recognize the great importance of the prohibition respecting the slave-trade sanctioned by His Majesty the Emperor of the Ottomans on the 4th (16th) of December, 1889 (Rebi-ul-Akhir, 1307), and they are assured that an active surveillance will be organized by the Ottoman authorities, especially on the coast of Arabia and on the routes which place that coast in communication with the other possessions of His Imperial Majesty in Asia.

## ARTICLE LXIX.

His Majesty the Shah of Persia consents to organize an active surveillance in the territorial waters and those off the coast of the Persian Gulf and Gulf of Oman which are under his sovereignty, and the inland routes which serve for the transportation of slaves. His magistrates and other authorities shall, to this effect, receive the necessary powers.



## ARTICLE LXX.

His Highness the Sultan of Zanzibar consents to give his most effective support to the repression of crimes and offences committed by African slave-traders on land as well as at sea. The tribunals created for this purpose in the Sultanate of Zanzibar shall rigorously enforce the penal provisions mentioned in Article V. In order to render more secure the freedom of liberated slaves, both in virtue of the provisions of the present general act and of the decrees adopted in this matter by His Highness and his predecessors, a liberation office shall be established at Zanzibar.

## ARTICLE LXXI.

The diplomatic and consular agents and the naval officers of the contracting powers shall, within the limits of existing conventions, give their assistance to the local authorities in order to assist in repressing the slave-trade where it still exists. They shall be entitled to be present at trials for slave-trading brought about at their instance, without, however, being entitled, to take part in the deliberations.

## ARTICLE LXXII.

Liberation offices, or institutions in lieu thereof, shall be organized by the governments of the countries to which African slaves are sent, for the purposes specified by Article XVIII.

## ARTICLE LXXIII.

The signatory powers having undertaken to communicate to one another all information useful for the repression of the slave-trade, the Governments whom the present chapter concerns shall periodically exchange with the other Governments statistical data relating to slaves intercepted and liberated, and to the legislative and administrative measures which have been taken for suppressing the slave-trade.

CHAPTER V. *Institutions intended to insure the execution of the general act.*

SECTION I. *Of the international maritime office.*

## ARTICLE LXXIV.

In accordance with the provisions of Article XXVII, an international office shall be instituted at Zanzibar, in which each of the signatory powers may be represented by a delegate.

## ARTICLE LXXV.

The office shall be constituted as soon as three powers have appointed their representatives.

It shall draw up regulations fixing the manner of exercising its functions. These regulations shall immediately be submitted to the approval of such signatory powers as shall have signified their intention of being represented in this office. They shall decide in this respect within the shortest possible time.

## ARTICLE LXXVI.

The expenses of this institution shall be divided in equal parts among the signatory powers mentioned in the preceding article.

## ARTICLE LXXVII.

The object of the office at Zanzibar shall be to centralize all documents and information of a nature to facilitate the repression of the slave-trade in the maritime zone. For this purpose the signatory powers engage to forward within the shortest time possible:

1. The documents specified in Article XLI;
2. Summaries of the reports and copies of the minutes referred to in Article XLVIII;
3. The list of the territorial or consular authorities and special delegates competent to take action as regards vessels seized according to the terms of Article XLIX;
4. Copies of judgments and condemnations in accordance with Article LVIII;
5. All information that may lead to the discovery of persons engaged in the slave-trade in the above-mentioned zone.

## ARTICLE LXXVIII.

The archives of the office shall always be open to the naval officers of the signatory powers authorized to act within the limits of the zone defined by Article XXI, as well as to the territorial or judicial authorities, and to consuls specially designated by their Governments.

The office shall supply to foreign officers and agents authorized to consult its archives, translations into a European language of documents written in an Oriental language.

It shall make the communications provided for in Article XLVIII.

## ARTICLE LXXIX.

Auxiliary offices in communication with the office at Zanzibar may be established in certain parts of the zone, in pursuance of a previous agreement between the interested powers.

They shall be composed of delegates of these powers, and established in accordance with Articles LXXV, LXXVI, and LXXVIII.

The documents and information specified in Article LXXVII, so far as they may relate to a part of the zone specially concerned, shall be sent to them directly by the territorial and consular authorities of the region in question, but this shall not exempt the latter from the duty of communicating the same to the office at Zanzibar, as provided by the same article.

## ARTICLE LXXX.

The office at Zanzibar shall prepare in the first two months of every year, a report of its own operations and of those of the auxiliary offices, during the past twelve months.

SECTION II. *Of the exchange between the Governments of documents and information relating to the slave-trade.*

## ARTICLE LXXXI.

The powers shall communicate to one another, to the fullest extent and with the least delay that they shall consider possible:

1. The text of the laws and administrative regulations, existing or enacted by application of the clauses of the present general act;

2. Statistical information concerning the slave-trade, slaves arrested and liberated, and the traffic in fire-arms, ammunition, and alcoholic liquors.

#### ARTICLE LXXXII.

The exchange of these documents and information shall be centralized in a special office attached to the foreign office at Brussels.

#### ARTICLE LXXXIII.

The office at Zanzibar shall forward to it every year the report mentioned in Article LXXX, concerning its operations during the past year, and concerning those of the auxiliary offices that may have been established in accordance with Article LXXIX.

#### ARTICLE LXXXIV.

The documents and information shall be collected and published periodically, and addressed to all the signatory powers. This publication shall be accompanied every year by an analytical table of the legislative, administrative, and statistical documents mentioned in Articles LXXXI and LXXXIII.

#### ARTICLE LXXXV.

The office expenses as well as those incurred in correspondence, translation, and printing, shall be shared by all the signatory powers, and shall be collected through the agency of the department of the foreign office at Brussels.

### SECTION III. *Of the protection of liberated slaves.*

#### ARTICLE LXXXVI.

The signatory powers having recognized the duty of protecting liberated slaves in their respective possessions, engage to establish, if they do not already exist, in the ports of the zone determined by Article XXI, and in such parts of their said possessions as may be places for the capture, passage and arrival of African slaves, such offices and institutions as may be deemed sufficient by them, whose business shall specially consist in liberating and protecting them in accordance with the provisions of Articles VI, XVIII, LII, LXIII, and LXVI.

#### ARTICLE LXXXVII.

The liberation offices or the authorities charged with this service shall deliver letters of release and shall keep a register thereof.

In case of the denunciation of an act connected with the slave-trade, or one of illegal detention, or on application of the slaves themselves, the said offices or authorities shall exercise all necessary diligence to insure the release of the slaves and the punishment of the offenders.

The delivery of letters of release shall in no case be delayed, if the slave be accused of a crime or offence against the common law. But after the delivery of the said letters an investigation shall be proceeded with in the form established by the ordinary procedure

## ARTICLE LXXXVIII.

The signatory powers shall favor, in their possessions, the foundation of establishments of refuge for women and of education for liberated children.

## ARTICLE LXXXIX.

Freed slaves may always apply to the offices for protection in the enjoyment of their freedom.

Whoever shall have used fraudulent or violent means to deprive a freed slave of his letters of release or of his liberty, shall be considered as a slave-dealer.

CHAPTER VI. *Measures to restrict the traffic in spirituous liquors.*

## ARTICLE XC.

Being justly anxious concerning the moral and material consequences to which the abuse of spirituous liquors subjects the native population, the signatory powers have agreed to enforce the provisions of Articles XCI, XCII and XCIII within a zone extending from the 20th degree of North latitude to the 22d degree of South latitude, and bounded on the west by the Atlantic Ocean and on the east by the Indian Ocean and its dependencies, including the islands adjacent to the mainland within 100 nautical miles from the coast.

## ARTICLE XCI.

In the districts of this zone where it shall be ascertained that, either on account of religious belief or from some other causes, the use of distilled liquors does not exist or has not been developed, the powers shall prohibit their importation. The manufacture of distilled liquors shall be likewise prohibited there.

Each power shall determine the limits of the zone of prohibition of alcoholic liquors in its possessions or protectorates, and shall be bound to make known the limits thereof to the other powers within the space of six months.

The above prohibition can only be suspended in the case of limited quantities intended for the consumption of the non-native population and imported under the regime and conditions determined by each Government.

## ARTICLE XCII.

The powers having possessions or exercising protectorates in those regions of the zone which are not subjected to the regime of the prohibition, and into which alcoholic liquors are at present either freely imported or pay an import duty of less than 15 francs per hectolitre at 50 degrees centigrade, engage to levy on such alcoholic liquors an import duty of 15 francs per hectolitre at 50 degrees centigrade, for three years after the present general act comes into force. At the expiration of this period the duty may be increased to 25 francs during a fresh period of three years. At the end of the sixth year it shall be submitted to revision, the average results produced by these tariffs being taken as a basis, for the purpose of then fixing, if possible, a

minimum duty throughout the whole extent of the zone where the prohibition referred to in Article XCI is not in force.

The powers retain the right of maintaining and increasing the duties beyond the minimum fixed by the present article in those regions where they already possess that right.

#### ARTICLE XCIII.

Distilled liquors manufactured in the regions referred to in Article XCII, and intended for inland consumption, shall be subject to an excise duty.

This excise duty, the collection of which the powers engage to secure, as far as possible, shall not be less than the minimum import duty fixed by Article XCII.

#### ARTICLE XCIV.

The signatory powers having possessions in Africa contiguous to the zone specified in Article XC engage to adopt the necessary measures for preventing the introduction of spirituous liquors within the territories of the said zone via their inland frontiers.

#### ARTICLE XCV.

The powers shall communicate to one another, through the office at Brussels, and according to the terms of Chapter V, information relating to the traffic in alcoholic liquors within their respective territories.

### CHAPTER VII. *Final provisions.*

#### ARTICLE XCVI.

The present general act repeals all contrary stipulations of conventions previously concluded between the signatory powers.

#### ARTICLE XCVII.

The signatory powers, without prejudice to the stipulations contained in Articles XIV, XXIII and XCII, reserve the right of introducing into the present general act, hereafter and by common consent, such modifications or improvements as experience may prove to be useful.

#### ARTICLE XCVIII.

Powers who have not signed the present general act shall be allowed to adhere to it.

The signatory powers reserve the right to impose such conditions as they may deem necessary to their adhesion.

If no conditions shall be stipulated, adhesion implies acceptance of all the obligations and admission to all the advantages stipulated by the present general act.

The powers shall agree among themselves as to the steps to be taken to secure the adhesion of states whose cooperation may be necessary or useful in order to insure complete execution of the general act.

Adhesion shall be effected by a separate act. Notice thereof shall be given through the diplomatic channel to the Government of the King of the Belgians, and by that Government to all the signatory and adherent states.

#### ARTICLE XCIX.

The present general act shall be ratified within the shortest possible period, which shall not in any case exceed one year.

Each power shall address its ratification to the Government of the King of the Belgians, which shall give notice thereof to all the other powers that have signed the present general act.

The ratifications of all the powers shall remain deposited in the archives of the Kingdom of Belgium.

As soon as all the ratifications shall have been furnished, or at the latest one year after the signature of the present general act, their delivery shall be recorded in a protocol which shall be signed by the representatives of all the powers that have ratified.

A certified copy of this protocol shall be forwarded to all the powers interested.

#### ARTICLE C.

The present general act shall come into force in all the possessions of the contracting powers on the sixtieth day, reckoned from the day on which the protocol provided for in the preceding article shall have been drawn up.

In witness whereof the respective plenipotentiaries have signed the present general act, and have thereto affixed their seals.

Done at Brussels the 2nd day of the month of July, 1890.

[SEAL]	EDWIN H. TERRELL.
[SEAL]	II. S. SANFORD.
[SEAL]	ALVENSLEBEN.
[SEAL]	GOEHRING.
[SEAL]	R. KHEVENHÜLLER.
[SEAL]	LAMBERMONT.
[SEAL]	E. BANNING.
[SEAL]	SCHACK DE BROCKDORFF.
[SEAL]	J. G. DE AGÜERA.
[SEAL]	EDM. VAN EETVELDE.
[SEAL]	A. VAN MALDEGHEM.
[SEAL]	A. BOURÉE.
[SEAL]	G. COGORDAN.
[SEAL]	VIVIAN.
[SEAL]	JOHN KIRK.
[SEAL]	F. DE RENZIS.
[SEAL]	T. CATALANI.
[SEAL]	L. GERICKE.
[SEAL]	NAZARE AGA.
[SEAL]	HENRIQUE DE MACEDO PEREIRA COUTINHO.
[SEAL]	L. OUROUSSOFF.
[SEAL]	MARTENS.
[SEAL]	BURENSTAM.
[SEAL]	ET. CARATHÉODORY.
[SEAL]	JOHN KIRK.
[SEAL]	GOEHRING.



ARTICLE XXXIX.

ANNEX TO THE GENERAL ACT.

*License to ply the coasting trade on the East Coast of Africa in conformity with Article XXXIX.*

Name of vessel, with description of form of build and rig.	Nation-ality.	Ton-nage.	Port of regis-ter.	Name of captain.	Number of crew.	Maximum number of passen-gers.	Limits within which ves-sel is enti-tled to ply.	General remarks.

The present license must be renewed on the \_\_\_\_\_.  
Rank of official who has issued the permit: \_\_\_\_\_.

DRAFT OF PROTOCOL.

The undersigned, \_\_\_\_\_ met at the Ministry of Foreign Affairs at Brussels, in pursuance of Article XCIX of the General Act of July 2, 1890, and in execution of the Protocol of July 2, 1891, with a view to preparing a certificate of the deposit of the ratifications of such of the signatory powers as were unable to make such deposit at the meeting of July 2, 1891.

His Excellency the Minister of France declared that the President of the Republic, in his ratification of the Brussels General Act had provisionally reserved, until a subsequent understanding should be reached, Articles XXI, XXII, XXIII, and XLII to LXI. The representatives \_\_\_\_\_, acknowledged to the Minister of France the deposit of the ratifications of the President of the French Republic, as well as of the exception bearing upon Articles XXI, XXII, XXIII, and XLII to LXI.

It is understood that the powers which have ratified the General Act in its entirety, acknowledge that they are reciprocally bound as regards all its clauses.

It is likewise understood that these powers shall not be bound toward those which shall have ratified it partially, save within the limits of the engagements assumed by the latter powers.

Finally, it is understood that, as regards the powers that have partially ratified, the matters forming the subject of Articles XLII to LXI, shall continue, until a subsequent agreement is adopted, to be governed by the stipulations and arrangements now in force.

In testimony whereof \* \* \*

SENATE RESOLUTION OF RATIFICATION.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,  
*January 11, 1892.*

*Resolved, (two thirds of the Senators present concurring therein,) That the Senate advise and consent to the ratification of the General Act signed at Brussels, July 2, 1890, by the plenipotentiaries of the United States and other powers, for the suppression of the African Slave-trade, and for other purposes.*

*Resolved further, That the Senate advise and consent to the acceptance of the partial ratification of the said General Act on the part of the French Republic, and to the stipulations relative thereto, as set forth in the protocol signed at Brussels, January 2, 1892.*

*Resolved further, as a part of this act of ratification, That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that Continent by the other powers, or any approval of the wisdom, expediency or lawfulness thereof, and does not join in any expressions in the said General Act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of the ratifications of this treaty on the part of the United States.*

Attest:

ANSON G McCOOK  
*Secretary.*  
By CHAS W JOHNSON.  
*Chief Clerk.*

## DEPOSIT OF THE RATIFICATION BY THE UNITED STATES.

## PROTOCOL—TRANSLATION.

February 2<sup>nd</sup>, 1892, conformably to article XCLX of the General Act of July 2<sup>nd</sup>, 1890, and to the unanimous decision of the signatory Powers which prorogued to February 2<sup>nd</sup>, 1892, for the United States the term provided for in the same article XCIX, the undersigned, Envoy Extraordinary and Minister plenipotentiary of the United States of America has deposited in the hands of the Minister of Foreign Affairs of Belgium the ratifications of the President of the United States of the said General Act.

At the request of His Excellency, the following resolution by which the Senate of the United States consented to the ratification of the President has been inserted in the present protocol:

Resolved, (two-thirds of the Senators present concurring therein,)

That the Senate advise and consent to the ratification of the General Act signed at Brussels July 2<sup>nd</sup>, 1890, by the plenipotentiaries of the United States and other Powers, for the suppression of the African Slave Trade, and for other purposes.

Resolved further, That the Senate advise and consent to the acceptance of the partial ratification of the said General Act on the part of the French Republic and to the stipulations relative thereto, as set forth in the protocol signed at Brussels January 2<sup>nd</sup>, 1892.

Resolved further, as a part of this act of ratification, That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that continent by the other Powers, or any approval of the wisdom, expediency or lawfulness thereof, and does not join in any expressions in the said General Act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this Resolution be inserted in the protocol to be drawn up at the time of the exchange of the Ratifications of this treaty on the part of the United States.

This resolution of the Senate of the United States having been preparatively and textually conveyed by the Government of His Majesty the King of the Belgians to the knowledge of all the signatory Powers of the General Act, the latter have given their assent to its insertion in the present Protocol which will remain annexed to the Protocol of January 2<sup>nd</sup>, 1892.

Acknowledgment of this is given to the Minister of the United States.

The ratification of the President of the United States having been found in good and due form, acknowledgment of their deposit is equally given to His Excellency Mr. Edwin H. Terrell; they will be preserved in the archives of the Ministry of Foreign Affairs of Belgium.

At the moment of proceeding to the signature of the present Protocol, the Minister of Foreign Affairs of his Majesty the King of the Belgians made it known that the Representative of Russia, in the note expressing the assent of his Government, expressed the opinion that it would have been desirable that a translation into the French language accompany in the Protocol the English text of the resolutions of the Senate of the United States of America and that at all events the absence of this translation is not to form a precedent.

A certified copy of the present Protocol will be addressed by the Belgian Government to the Signatory Powers of the General Act.

Done at Brussels, February 2nd., 1892.

The Minister of Foreign Affairs

(S) The PRINCE DE CHIMAY

The Envoy Extraordinary and Minister plenipotentiary of the United States of America

(S) EDWIN H. TERRELL.

Copy certified conformable to the original

[SEAL] The Minister of Foreign Affairs

The PRINCE DE CHIMAY

1890.

CONVENTION CONCERNING THE FORMATION OF AN INTERNATIONAL UNION FOR THE PUBLICATION OF CUSTOMS TARIFFS.

*Signed at Brussels July 5, 1890; ratification advised by the Senate December 13, 1890; ratified by the President December 17, 1890; proclaimed December 17, 1890. (U. S. Stats., Vol. 26, p. 1518.)*

ARTICLES.

- |                                   |  |
|-----------------------------------|--|
| I. International Union formed.    | X. Reduction to certain countries.                 |
| II. Object.                       | XI. Assignment of quotas.                          |
| III. International Bureau.        | XII. Official publications to be furnished Bureau. |
| IV. Bulletin to be published.     | XIII. Regulations to be established.               |
| V. Personnel of Bureau.           | XIV. Accession of other States.                    |
| VI. Language to be used.          | XV. Duration, additions.                           |
| VII. Annual reports.              | Regulations.                                       |
| VIII. Expenditures.               | Final declarations.                                |
| IX. Quotas of contracting States. |  |

[Translation made in Washington.]

*Convention concerning the formation of an International Union for the publication of Customs Tariffs, to which the following States are Parties:*

The Argentine Republic, Austria-Hungary, Belgium, Bolivia, Chili, the Independent State of the Congo, the Republic of Costa Rica, Denmark and her colonies, France and her colonies, Great Britain and sundry British colonies, British India, the Dominion of Canada, the colonies of West Australia, the Cape of Good Hope, Natal, New South Wales, New Zealand, Queensland, Tasmania, Newfoundland and Victoria, Greece, Guatemala, the Republic of Hayti, Italy and her colonies, Mexico, the Netherlands and their colonies, Nicaragua, Paraguay, Peru, Portugal and her colonies, Roumania, Russia, Salvador, the Kingdom of Siam, Spain and her colonies, Switzerland, Turkey, the United States of America, Uruguay and Venezuela.

The undersigned, being duly authorized, have concluded the following convention, subject to the approval of their Governments:

ARTICLE 1. An association under the title of "International Union for the publication of Customs Tariffs" shall be formed by the countries above enumerated, and by all such as may hereafter adhere to the present convention.

ART. 2. The object of the Union is to publish, at the common expense, and to make known, as speedily and accurately as possible, the customs tariffs of the various States of the globe and the modifications that may, in future, be made in those tariffs.

ART. 3. To this end, an International Bureau shall be organized at Brussels, whose duty it shall be to cause these tariffs, together with such legislative or executive provisions as may introduce modifications therein, to be translated and published.

ART. 4. This publication shall be made in a collection entitled: "International Customs Bulletin (organ of the International Union for the publication of Customs Tariffs)."

The Commercial languages most in use shall be adopted for this purpose.

ART. 5. The persons composing the International Bureau shall be appointed through the agency of the Ministry of Foreign Affairs of Belgium, which shall advance the necessary funds and see that the institution is properly managed.

ART. 6. In communications addressed by the International Bureau to the adhering Governments, the French language shall be used.

ART. 7. A report concerning the labors and the financial condition of the International Bureau shall be annually addressed to the adhering Governments.

ART. 8. The annual budget of the expenditures of the International Bureau shall be fixed at the maximum of 125,000 francs.

The sum of 50,000 francs shall be placed, the first year, at the disposal of the Minister of Foreign Affairs of Belgium, to enable him to meet the expenses of the organization of the Bureau.

Such States and colonies as may hereafter avail themselves of the privilege of adhering, for which provision is made in article 14, shall pay their quotas of the said sum of 50,000 francs, on the basis of apportionment fixed in article 9.

States and colonies withdrawing from the Union at the expiration of the first term of seven years shall forfeit their rights as joint owners of the common fund.

In case of a liquidation, the common fund shall be divided among the States and colonies forming the Union on the basis of apportionment fixed by article 9.

ART. 9. With a view to the equitable adjustment of the quotas of the contracting States, those States shall be divided, according to the amount of their commerce, into six classes, the quota payable by each of which shall be in the proportion of a certain number of units, to wit:

1st class. Countries whose commerce regularly amounts to upwards of four thousand millions of francs: 55 units.

2nd class. Countries whose commerce regularly amounts to from two to four thousand millions of francs: 40 units.

3d class. Countries whose commerce regularly amounts to from five hundred millions to two thousand millions of francs: 25 units.

4th class. Countries whose commerce regularly amounts to from one hundred to five hundred millions of francs: 20 units.

5th class. Countries whose commerce regularly amounts to from fifty to one hundred millions of francs: 15 units.

6th class. Countries whose commerce regularly amounts to less than 50 millions of francs: 5 units.

ART. 10. In the case of countries whose language is not used by the International Bureau, the above figures shall be reduced two-fifths, respectively. The following reductions shall therefore be made:

The quota of the first class shall be reduced to 33 units.

The quota of the second class shall be reduced to 24 units.

The quota of the third class shall be reduced to 15 units.

The quota of the fourth class shall be reduced to 12 units.

The quota of the fifth class shall be reduced to 9 units.

The quota of the sixth class shall be reduced to 3 units.

ART. 11. The sum total of the annual expenditure, divided by the sum of the units assigned to the various contracting States, in pursuance of the foregoing provisions, shall give the unit of expenditure. This unit, multiplied by the number of units assigned to each of these States, shall show the amount of the quota payable by it for the support of the International Bureau.

ART. 12. In order to enable the Institution to edit the International Customs Bulletin as accurately as possible, the contracting parties shall send it, directly and without delay, two copies:

(a) of their customs law and their customs tariff, carefully brought up to date.

(b) of all provisions that shall ultimately modify said law and tariff.

(c) of the circulars and instructions that shall be addressed by the said Governments to their custom-houses concerning the application of the tariff or the classification of goods, and that can be made public.

(d) of their treaties of commerce, international conventions and domestic laws having a direct bearing upon the existing tariffs.

ART. 13. A set of regulations providing for the execution of this convention, having the same force as the convention itself, shall determine the manner of publication of the Bulletin of the Union in everything relating to the budget of the International Bureau and to the internal organization of the service.

ART. 14. The States and colonies that have not yet taken part in this convention shall have the privilege of acceding thereto hereafter.

Notice of accession shall be given, in writing, to the Belgian Government, which shall, in turn, communicate such notice to all the other contracting Governments. Accession shall imply adhesion to all the clauses contained in, and the enjoyment of all advantages provided for, by this convention.

ART. 15. This convention shall go into operation on the first day of April, 1891, and shall remain in force for seven years.

If, twelve months before the expiration of the first seven years, no notice of a desire for the cessation of the effects of this convention shall have been given, the Union shall continue to exist for seven years longer, and so on, in periods of seven years each.

Notice of a desire for the cessation of the effects of this convention shall be addressed to the Belgian Government. Such notice shall have no effect save as regards the country giving it, and the convention shall remain in force so far as the other countries of the Union are concerned.

The Governments shall at all times be at liberty to make in this convention, by mutual agreement, such improvements as may be deemed expedient or necessary.

In testimony whereof, the undersigned have signed this Convention, and have thereunto affixed their seals.



Done at Brussels, July the fifth, one thousand eight hundred and ninety.

For the Argentine Republic,  
CARLOS CALVO Y CAPDEVILA.

For Austria-Hungary,  
EPERJESY.

For Belgium,  
LAMBERMONT,  
LEON BIEBUYCK,  
KEBERS.

For Bolivia,  
JOAQUIN CASO.

For Chili,  
N. PEÑA VICUÑA.

For the Independent State of the  
Congo,  
EDM. VAN EETVELDE.

For the Republic of Costa Rica,  
MANUEL M. DE PERALTA.

For Denmark and her Colonies,  
SCHACK DE BROCKDORFF.

For Spain and her Colonies.  
J. G. DE AGÜERA.

For the United States of America,  
EDWIN H. TERRELL—*ad referendum*.

For France and her Colonies,  
A. BOURÉE.

For Great Britain and sundry  
British Colonies,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For British India,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For the Dominion of Canada,  
CHARLES TUPPER.

For West Australia,

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For the Cape of Good Hope,  
MARTIN GOSSELIN,  
A. G. BATEMAN.

For Natal,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For New South Wales,  
SAUL SAMUEL.

For New Zealand,  
FRANCIS DILLON BELL.

For Queensland,

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For Tasmania,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For Newfoundland,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For Victoria,  
GRAHAM BERRY.

For Greece,  
P. MULLE.

For Guatemala,  
ALEXIS CAPOUILLET.

For the Republic of Hayti,  
G. DE DEKEN.

For Italy and her Colonies,  
J. DE RENZIS.

For Mexico,  
EDM. VAN DEN WYNGAERT.

For Nicaragua,  
J. F. MEDINA.

For Paraguay,  
HENRI OOSTENDORP.

For the Netherlands and their  
Colonies,  
H. TESTA,  
L. E. UYTENHOVEN.

For Peru,  
JOAQUIN LEMOINE.

For Portugal and her Colonies,  
HENRIQUE DE MACEDO PEREIRA  
CONTINHO,  
AUGUSTO CESAR FERREIRA DE  
MESQUITA.

For Roumania,  
J. VACARESCO.

For Russia,  
G. KAMENSKY.

For Salvador,  
EMILE ELOY.

For Siam,  
FREDERICK VERNEY.

For Switzerland,  
E. PACCAUD.

For Turkey,  
ET. CARATHÉODORY.

For Uruguay,  
FCO. SUSVIELA GUARCH.

For Venezuela,  
LUIS LOPEZ MENDEZ.



*Regulations for the execution of the Convention creating an International Bureau for the publication of Customs Tariffs.*

[Art. 13 of the Convention.]

ARTICLE 1. The international Customs Bulletin shall be published in five languages, viz: German, English, Spanish, French and Italian.

ARTICLE 2. Each State belonging to the Union shall have the privilege of causing to be translated and publishing at its own expense, the whole or any part of the Bulletin in any language that it may see fit, provided that such language be not one of those adopted by the International Bureau.

Each of the States of the Union shall likewise have the right to reproduce mere extracts from tariffs, or, by way of exception, portions of the Bulletin, either in a local official organ or in its parliamentary documents.

It is understood moreover, that each State is to be at liberty, as has hitherto been the case, to publish all the tariffs in the original language or in a translation, provided that the text published be not the work of the International Bureau.

ARTICLE 3. The International Bureau pledges itself to take the utmost care in the translation of the customs laws and of the official publications that serve to interpret said laws, but it is understood that the Governments interested assume no responsibility with regard to the accuracy of these translations, and that, in case of dispute, the original text shall be their sole guide.

A notice to this effect shall be printed in large type at the foot of the first page of each number.

ARTICLE 4. The size of the Bulletin shall be determined by the Bureau.

ARTICLE 5. Each Government shall make known in which of the languages adopted by the International Bureau it desires to receive the copies of the Bulletin which are to be furnished to it in return for the amount payable by it for the support of the institution.

Any Government may take a certain number of copies in one language, and the remainder in other languages.

ARTICLE 6. The International Bureau can supply the Bulletin to no Governments save those belonging to the Union.

ARTICLE 7. The amount of the quota payable by each State shall be returned to it in subscriptions to the Bulletin of the Union, computed at the rate of 15 francs each.

ARTICLE 8. The expenditures are computed approximately as follows:

	Francs.
(a) Salaries of the officers and employés of the International Bureau, including an addition thereto of 15 per cent.....	75,000
(b) Cost of printing and sending the Bulletin of the Union.....	30,000
(c) Rent and keeping in order of the building occupied by the International Bureau, fuel, light, material, office expenses, etc.....	20,000
Total .....	125,000

ARTICLE 9. It shall be the duty of the Minister of Foreign Affairs of Belgium to take such measures as may be necessary for the organization of the International Bureau, and for putting it in working order, keeping within the limits fixed by the Convention and by these regulations.

ARTICLE 10. The Superintendent of the International Bureau is hereby authorized, subject to the approval of the Minister of Foreign Affairs of Belgium, to use, during the current fiscal year, such sums, appropriated for the past year, as may not have been then used. These sums shall, the case arising, go to form a reserve fund for the payment of contingent expenses. The said reserve shall in no case exceed 25,000 francs. The surplus will, perhaps, render it possible to reduce the price of subscription to the Bulletin, without increasing the number of copies guaranteed by the contracting States; this surplus may also serve to meet the expense that would be occasioned by the addition of a new language to those enumerated in article 1.

This last measure shall not be carried out without the unanimous consent of the States and Colonies belonging to the Union.

Done at Brussels, July the 5th, one thousand eight hundred and ninety, to be appended to the Convention of this day's date.

For the Argentine Republic,  
CARLOS CALVO Y CAPDEVILA.

For Austria-Hungary,  
EPERJESY.

For Belgium,  
LAMBERMONT,  
LÉON BIEBUYCK  
KEBERS.

For Bolivia,  
JOAQUIN CASO.

For Chili,  
N. PEÑA VICUÑA.

For the Independent State of the  
Congo,  
EDM. VAN EETVELDE.

For the Republic of Costa Rica,  
MANUEL M. DE PERALTA.

For Denmark and her Colonies,  
SCHACK DE BROCKDORFF.

For Spain and her Colonies,  
J. G. DE AGÜERA.

For the United States of America,  
EDWIN H. TERRELL—*ad referendum*.

For France and her Colonies,  
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For Great Britain and sundry  
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MARTIN GOSSELIN,  
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For British India,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For the Dominion of Canada,  
CHARLES TUPPER.

For West Australia,

For the Cape of Good Hope,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For Natal,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For Newfoundland,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For New South Wales,  
SAUL SAMUEL.

For New Zealand,  
FRANCIS DILLON BELL.

For Queensland,

For Tasmania,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For Newfoundland,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For Victoria,  
GRAHAM BERRY.

For Greece,  
P. MULLE.

For Guatemala,  
ALEXIS CAPOUILLET.

For the Republic of Hayti,  
G. DE DEKEN.

For Italy and her Colonies,  
J. DE RENZIS.

For Mexico,  
EDM. VAN DEN WYNGAERT.

For Nicaragua,  
J. F. MEDINA.

For Paraguay,  
HENRI OOSTENDORP.

For the Netherlands and their  
Colonies,

H. TESTA,  
L. E. UYTENHOVEN.

For Peru,  
JOAQUIN LEMOINE.

For Portugal and her Colonies, HENRIQUE DE MACEDO PEREIRA CONTINHO, AUGUSTO CESAR FERREIRA DE MESQUITA.	For Siam, FREDERICK VERNEY. For Switzerland, E. PACCAUD. For Turkey, ET. CARATHÉODORY. For Uruguay, FCO. SUSVIELA GUARCH. For Venezuela, LUIS LOPEZ MENDEZ.
For Roumania, J. VACARESCO.	
For Russia, G. KAMENSKY.	
For Salvador, EMILE ELOY.	

FINAL DECLARATIONS.

The undersigned delegates, having met this day for the purpose of signing the Convention and regulations providing for the formation of an International Union for the publication of customs tariffs, have exchanged the following declarations:

1. As regards the classification of the countries of the Union according to the quotas payable by them for the support of the International Bureau (arts. 9, 10, and 11 of the Convention):

The delegates declare that, so long as the Convention shall remain in force, the adhering countries shall be classified as follows, and that the quotas payable by them shall be in proportion to the number of units stated below.

	Units.
FIRST CLASS.	
England and her Colonies not specially hereafter mentioned.....	55
Belgium .....	55
France and her Colonies.....	55
Netherlands and their Colonies .....	33
Russia .....	33
United States of America.....	55
SECOND CLASS.	
Austria-Hungary.....	24
British India.....	40
Italy and her Colonies.....	40
Spain and her Colonies .....	40
THIRD CLASS.	
Argentine Republic .....	25
Brazil.....	15
Canada .....	25
Denmark and her Colonies.....	15
New South Wales .....	25
Portugal and her Colonies.....	15
Switzerland .....	25
Turkey .....	15
Victoria.....	25
FOURTH CLASS.	
Cape of Good Hope .....	20
Chili .....	20
Colombia .....	20
Ecuador .....	20
Egypt.....	12
Greece .....	12
Japan .....	12
Mexico.....	20
New Zealand .....	20
Persia.....	12
Queensland .....	20
Roumania.....	12
Uruguay.....	20
Venezuela.....	20

FIFTH CLASS.

	Units.
Bolivia.....	15
Costa Rica.....	15
Guatemala.....	15
Hayti.....	15
Natal.....	15
Peru.....	15
Servia.....	9
Siam.....	9
South African Republic.....	9

SIXTH CLASS.

Australia (West).....	5
Dominican Republic.....	5
Honduras (Republic).....	5
Independent State of Congo.....	3
Newfoundland.....	5
Nicaragua.....	5
Paraguay.....	5
Salvador.....	5
Tasmania.....	5

As to the amounts of the quotas that have appeared in the table of apportionment, they are reproduced below by way of information, as the contribution of each State can not be determined with absolute precision until all the adhesions shall have become definitive. It is nevertheless, understood that these figures shall in no case be increased while this convention remains in force.

	Amount payable.	Number of sub- scriptions.
FIRST CLASS.		
England and her Colonies not specially hereinafter mentioned.....	6833	456
Belgium.....	6833	456
France and her Colonies.....	6833	456
Netherlands and their Colonies.....	4100	274
Russia.....	4100	274
United States of America.....	6833	456
SECOND CLASS.		
Austria-Hungary.....	2982	199
British India.....	4970	332
Italy and her Colonies.....	4970	332
Spain and her Colonies.....	4970	332
THIRD CLASS.		
Argentine Republic.....	3108	207
Brazil.....	1863	124
Canada.....	3108	207
Denmark and her Colonies.....	1863	124
New South Wales.....	3108	207
Portugal and her Colonies.....	1863	124
Switzerland.....	3108	207
Turkey.....	1863	124
Victoria.....	3108	207
FOURTH CLASS.		
Cape of Good Hope.....	2485	166
Chili.....	2485	166
Colombia.....	2485	166
Ecuador.....	2485	166
Egypt.....	1491	100
Greece.....	1491	100
Japan.....	1491	100
Mexico.....	2485	166
New Zealand.....	2485	166
Persia.....	1491	100
Queensland.....	2485	166
Roumania.....	1491	100
Uruguay.....	2485	166
Venezuela.....	2485	166

	Amount payable.	Number of sub- scrip- tions.
<b>FIFTH CLASS.</b>		
Bolivia .....	1863	124
Costa Rica .....	1863	124
Guatemala .....	1863	124
Hayti .....	1863	124
Natal .....	1863	124
Peru .....	1863	124
Servia .....	1118	75
Siam .....	1118	75
South African Republic .....	1118	75
<b>SIXTH CLASS.</b>		
Australia (West) .....	621	42
Dominican Republic .....	621	42
Honduras (Republic) .....	621	42
Independent State of the Congo .....	372	25
Newfoundland .....	621	42
Nicaragua .....	621	42
Paraguay .....	621	42
Salvador .....	621	42
Tasmania .....	621	42

2. As regards the payment of the quotas of the contracting parties:

The delegates declare that it shall take place at Brussels during the first quarter of each fiscal year in coin that is a legal tender in Belgium.

3. As regards the date at which the Convention is to go into operation, which has been fixed at April 1st, 1891:

The delegates declare that it shall, if possible, be preceded by a notification of definite adhesion on the part of the Governments interested; that this formality is, nevertheless, not indispensable, and that the countries by whose representatives this Convention has been signed shall be kept on the list of adherents unless they shall, on or before April 1st, 1891, have formally expressed the intention of withdrawing.

In testimony whereof, the delegates have affixed their signatures to these final declarations.

Done at Brussels, July the 5th, one thousand eight hundred and ninety.

For the Argentine Republic,  
CARLOS CALVO Y CAPDEVILA.

For Austria-Hungary,  
EPERJESY.

For Belgium,  
LAMBERMONT,  
LEON BIEBUYCK,  
KEBERS.

For Bolivia,  
JOAQUIN CASO.

For Chili,  
N. PEÑA VICUÑA.

For the Independent State of the  
Congo,  
EDM. VAN EETVELDE.

For the Republic of Costa Rica,  
MANUEL M. DE PERALTA.

For Denmark and her Colonies,  
SCHACK DE BROCKDORFF.

For Spain and her Colonies,  
J. G. DE AGÜERA.

For the United States of America,  
EDWIN H. TERRELL—*ad referendum*.

For France and her Colonies,  
A. BOURÉE.

For Great Britain and sundry  
British Colonies,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For British India,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For the Dominion of Canada,  
CHARLES TUPPER.

For West Australia,

For the Cape of Good Hope,  
MARTIN GOSSELIN,  
A. E. BATEMAN.

For Natal,  
MARTIN GOSSELIN,  
A. E. BATEMAN.  
For New South Wales,  
SAUL SAMUEL.  
For New Zealand,  
FRANCIS DILLON BELL.  
For Queensland,  
———  
For Tasmania,  
MARTIN GOSSELIN,  
A. E. BATEMAN.  
For Newfoundland,  
MARTIN GOSSELIN,  
A. E. BATEMAN.  
For Victoria,  
GRAHAM BERRY.  
For Greece,  
P. MULLE.  
For Guatemala,  
ALEXIS CAPOUILLET.  
For the Republic of Hayti,  
G. DE DEKEN.  
For Italy and her Colonies,  
J. DE RENZIS.  
For Mexico,  
EDM. VAN DEN WYNGAERT.  
For Nicaragua,  
J. F. MEDINA.

For Paraguay,  
HENRI OOSTENDORP.  
For the Netherlands and their  
Colonies,  
H. TESTA,  
L. E. UYTENHOVEN.  
For Peru,  
JOAQUIN LEMOINE.  
For Portugal and her Colonies,  
HENRIQUE DE MACEDO PEREIRA  
CONTINHO,  
AUGUSTO CESAR FERREIRA DE  
MESQUITA.  
For Roumania,  
J. VACARESCO.  
For Russia,  
G. KAMENSKY.  
For Salvador,  
EMILE ELOY.  
For Siam,  
FREDERICK VERNEY.  
For Switzerland,  
E. PACCAUD.  
For Turkey,  
ET. CARATHÉODORY.  
For Uruguay,  
FCO. SUSVIELA GUARCH.  
For Venezuela,  
LUIS LOPEZ MENDEZ.



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